Legal Skills I

Course Material

Fall 2010

Professor DeKoven

All Copied Material Sales Are Final
Legal Research Materials

Table of Contents

Library Tour Hypotheticals..................................................1-2
Overview of Research Tools .................................................3-4
Approaches to Legal Research.............................................5-6
Who Wants to be a Millionaire Legal Researcher.......7-8
Legal Research Tools ..........................................................9-83
For the following questions, please simply write a few words about what you found. During the tour, you may want to write down call letters for book, or record the location, or even the color of books.

First Floor California Room

Aisle Number \hspace{1cm} Call Letter

1. West's California Annotated Codes (Blue & Gold)
   What does Cal. Civil Code § 1714.1 discuss?

2. Deering's California Annotated Codes (Purple)
   What does Cal. Education Code § 48904 discuss?

3. California (Official) Reports (Vanilla)
   What case will you find in Vol. 66 California Reports pg. 368?
   What does this case discuss? The case is from 1885.

4. California Appellate Reports. (Vanilla)
   What case will you find in Vol. 187 Cal. App. Third Series pg. 1281?

5. West's California Reporter (Vanilla)
   What case will you find in Vol. 232 Cal. Reporter pg. 634?

   Go to the Volume 6 for "Torts," at § 1228, (page 605) What is discussed there?

7. West's California Digests (2nd Series) (Green)
   Go the volume beginning with the topic of "Pardon & Parole to Parties." Find the topic "Parent & Child." Can you also find the sub-topic (inside the topic) discussing parental liability for the torts of a child? What sub-topic is it?

8. California Jurisprudence Third Series (Brown, Some Blue & Red)
   What topic is discussed in Volume 33A "Family Law" § 1207, 1209?

First Floor Mezz.

9. In Vol. 20 of the St. Mary's Law Journal, is there a law review article discussing parental liability for the acts of a child? If so, who is the author?
Second Floor (left side of library)

10. American Jurisprudence 2nd Series (Green)
    In what volume will you find the topic of "Parent & Child" discussed?

11. Corpus Juris Secundum (Dark Blue)
    Same question as above?

12. American Law Reports (Light Green)
    What annotation will you find in 54 A.L.R. 3rd Series on page 974?

13. United States Code Annotated (Dark Red)
    What statute will you find in Title 20 § 1681?

14. United State Code Service (Black)
    Go look at Title 20 § 1232g? What does the statute deal with?

15. United States Reports (Vanilla)
    What case is reported at 515 U.S. 646?

16. Supreme Court Reporter (Olive Green)
    What case is reported at 16 S. Ct. 1138?
    According to this case, can a train segregate people by race?

17. United States Supreme Court Reports Lawyer’s Edition (Dark Green)
    What case is reported at 98 L. Ed. 873?
    Can Bart’s school segregate students by race?

18. Federal Supplement (Vanilla)
    What case is reported at 342 F. Supp. 1224?

19. Federal Reporter (Vanilla)
    What case is reported at 477 F.2d 1292?

20. Where will you find all the books the library has dealing with family law? (Do you see them on the second floor, left side, second bookcase?)
OVERVIEW OF RESEARCH TOOLS

BOOKS THAT EXPLAIN THE LAW

Legal Encyclopedias
American Jurisprudence [Am. Jur.]
Corpus Jurisprudence Secundum [CJS] (West’s)
California Jurisprudence [Cal. Jur.]
   B. Wilkin, Summary of California Law [Witkin]

American Law Reports [ALR]
Legal Treatises
Looseleaf Services
Legal Periodicals

BOOKS THAT HELP FIND THE LAW

West Publishing’s Digest
California State Digest 2d [Cal. Digest]
Regional Digests [P., N.W., S.W., S.E., A., So., N.E.)
Federal Practice Digest 4
Supreme Court Digest
National Digest (Decennials, 9 and 10 Part I)
California Digest of Official Reports

BOOKS THAT CONTAIN THE LAW

California Statutes
Deering’s Annotated Codes [ex. 42 U.S.C.A. sec. 1107 (Deering 1993] Lexis]

Federal Statutes

California Case Reporters
California Supreme Court (decisions reported in three reporters)
California Reports (Cal.) (LC) [ex. 12 Cal. 4 501 (1993)]
Pacific Reporter (P.2d) (West) [ex. 790 P.2d 501 (1993)]
California Reporter (Cal. Rptr.) (West) [ex. 12 Cal. Rptr. 2d 400 (1993)]

California Court of Appeal (decisions reported in two reporters)
California Appellate Court Reports (Cal. App.) (LC)
California Reporter (Cal. Rptr.)
Federal Court Cases
Federal District Court Cases
Federal Supplement (F. Supp.) (West)
  Cite Example: Abe v. Cain, 866 F.2d 501 (9 Cir. 1992)
Federal Circuit Courts of Appeal
Federal Reporter (F.2d) (West)
  Cite Example: Abe v. Cain, 609 (S.D.N.Y. 1983)
United States Supreme Court (decisions reported in three reporters)
  United States Supreme Court Reports (U.S. Govt. Printing Office) (U.S.)
  United States Supreme Court Reporters (S.Ct.) (West)
  United States Supreme Court Reports, Lawyer's Edition (L.Ed.) (LC)

Cases from other states
* About half the states still have official reporters (check Bluebook)
* All states have decisions reported in one of West's 7 regional reporters
  Northeastern Reporter (N.E.)
  Atlantic Reporter (A.)
  Northwestern Reporter (N.W.)
  Southern Reporter (So.)
  Southeastern Reporter (S.E.)
  Southwestern Reporter (S.W.)
  Pacific Reporter (P.)

BOOKS THAT UPDATE THE LAW

Shepard's Citations
  California Case Citations (covers Sup. Ct. and Ct. of Appeals)
  California Statutes (covers Calif. Codes, Administrative Codes, and Municipal Codes)
  Federal Shepard's (covers U.S., S. Ct., L. Ed.)
  U.S. Sup. Ct. Shepard's (covers U.S., S. Ct., L. Ed.)

BOOKS THAT HELP US PRACTICE THE LAW

California Forms of Practice & Pleading (Complaint forms)
California Points & Authorities (Canned Points and Authorities for Motions)
Am. Jur. Trials (Excerpts from major trials)
Am. Jur. Proof of Facts (discusses how to prove certain claims at trial)
Am. Jur. Pleading & Practice Forms (more sample forms)
Shepard's Causes of Action (how to prepare a cause of action, from complaint to trial)
Shepard's Preparation, Settlement & Trial (PST) (how to compile evidence for cases)
Approaches to Legal Research

I. Introductory comments regarding legal research
   A. Like learning all new skills, learning how to do legal research can be a pain. (New language)
   B. Legal research skills are learned over time and the process gets much easier.
   C. One doesn’t need to be a genius to do research. Various factors determine research process.
      1. Time factors can affect (in-depth vs. quickie research problems)
      2. Understanding how to do comprehensive research helps.
   D. Research is something you can do and it can pay vast dividends for you and clients.
      1. May find cases which win your client’s case.
      2. May develop new law through researching cases, statutes, and secondary sources.

II. The process of legal research involves the following steps.
    A. Identify the legal problem your client faces.
    B. Identify the material facts from your client interview. Contact the client?
    C. Identify the legal theories that might apply to the client’s problem. Contact an expert?

III. Draft preliminary issue statements.
     A. Preliminary issue statements are like building blocks. You will add to them as you research.
     B. In building your issue statement, first identify your jurisdiction.
        1. Federal, then California (or other state)
           a. If in doubt, then use both Federal and California.
     C. Then, identify the various sources of law you need to examine.
     D. See Examples of Issue Statements on next page.

IV. After drafting issue statement(s), pick the tools you want to examine to investigate the answer to
    your issue.
    A. Review the Overview of Research Tools and consider using the tools that explain first, the tools
       that help find the law, the tools that contain the law, and then the tools that update the law.
    B. In approaching the tools, keep in mind that they are designed around various access paths.
       1. Descriptive Word Index. Uses descriptive words (terms) and refers you to sections and/or
          page numbers which discuss the topic or issue.
       2. Topical Index. Essentially is a Table of Contents found at the beginning of a book or at the
          beginning of an encyclopedia entry.
       3. Table of Cases. Lists cases and tells you where they are discussed.
       4. Table of Statutes, Code Sections, Restatements, etc. Lists statutes and tells you where they
          are discussed in the tool.
       5. Computer Search Terms. Both Westlaw and Lexis are designed around all of the above,
          and they also make use search terms (e.g., “pareau/child w/125”).
    C. The Descriptive Word Index is usually the best place to begin your research. In order to save
       time and to avoid wild goose chases, develop key finder words. TARP Words.
       1. Things/Places – Buildings, spray paint, vandalism, books, newspapers
       2. Actions/Defenses – Contract, Negligence, Strict Liability, Assault, Battery
       3. Relief/Remedies – Damages, Injunction, Recission, Declaratory Injunction
       4. Parties – Parent/Child, Teacher, School Board, Colleges, Principal
    D. Keep in mind that the descriptive words are key to gaining access to the most pertinent sections
       of the research tool. Consider using a Legal Dictionary, Legal Thesaurus Words & Phrases
       (West).
       1. Examples of common terms that are referred to differently in legal terminology.
          a. Child, Employer-Employee, Movie Theater, Illegitimate Child, Accident
Sample Issue Statements

1. Whether (identify jurisdiction) [then] (source of law) [and then combine facts of your client's problem along with law you expect to find....

   A. Jurisdiction
      Federal (if problem relates to known federal question like civil rights or bankruptcy)
      California (if problem relates to California statutory or common law)
      Other States (if problem has arisen in another state)

   B. Sources of Law
      Statutory (if problem relates to federal or a state statute)
      Common or Case Law (if problem relates to federal or state case law)
      Administrative Law (if problem relates to governmental agency)

Examples:

Whether under Federal or California Statutory, Case Law, or Administrative Law, may a public school principal suspend a student who has brought a copy of a sexually suggestive book to campus and has shared it with students during recess and lunch?

Preliminary Issue Statements Are Built

Whether under California Statutory or Case Law, may a parent of a child be held responsible for the child's actions?

Narrower:

Whether under California Statutory, Case Law, or Administrative Law, may a parent of a minor child be held liable for damages?

Narrower:

Whether under California Statutory, Case Law, or Administrative Law, may a parent of a child, attending a public elementary school, be held liable, in damages, for vandalism to school property inflicted by the minor child?
"Who Wants to be a Millionaire Legal Researcher?"

After each question, you want to identify the "best" word or phrase that would help you in researching the question in the legal research materials (books, Westlaw, Lexis). You may use a legal dictionary...

1. A friend of yours has failed to perform on an oral agreement you made. You want to sue for:
2. Someone has accidentally run into the back of your car. You want to sue for:
3. Someone grabbed you while waiting in line at a store. You want to sue for:
4. Someone pointed a gun at you. This is an _______________. But if you didn't know about it (you were sleeping), it is simply ____________________.
5. A client of yours jumped into a lion's den at the zoo and was mauled by a lion. When the client sues, the zoo can claim the defense of:
6. Your client accidentally ran a red light and hit someone jaywalking in the street. While your client was negligent, the jaywalker was:
7. You purchased a ticket to go to a Chargers game. You're hit by fan of the Oakland Raiders. You can sue the Chargers for negligence because you are a: (status)
8. You are shopping at Nordstrom when a mannequin tumbles over and knocks you down. You can sue Nordstrom's because you are a: (status)
9. Your client constructs a pool and there's no fence around it. A small child gets into the client's yard and drowns in the pool. The client may be liable because the pool is regarded as an: ___ nuisance.
10. A house next door is used for prostitution, gambling, drug use, and used for study sessions by paralegals and law students. The house is known legally as a: ________ house.
11. You have eaten at a restaurant that served spoiled food. You will sue the restaurant for:
12. Several people camp outside your doorstep every night. You want the police to charge them with:
13. A man makes threats to your client and follows her everywhere she goes. He can be charged with the crime of:
14. A minors who misuses firecrackers could be charged with ___________ mischief.
15. Two men engage in a shootout. They can be charged with the crime of: ____________.
16. A father learns that a man has had intercourse with his (the father's) virgin daughter. The father can sue the man for the tort (or crime) of ____________.
17. An employee wants to bring an action against an employer over unsafe working conditions? The employer is the:
   The employee is the:
18. A dispute has arisen between your client and a next-door neighbor. The neighbor has been using a strip of your client's property as a driveway. Now the neighbor claims that the strip of land is hers. She claims she has acquired an ____________
19. (see above) by ____________ possession.
20. (see above) You may bring an action to _________ title.
21. A client complains because a neighbor swears at everyone. She wants him charged with:
22. While on a fishing trip, your clients, in their boat, were robbed by others in another boat. The robbers should be charged with:
23. Your client is homeless and cannot afford to pay the filing fee to file a civil complaint. You will research whether fees are waivable under the title of:
24. Your client is a father who is fearful that his free-spending son will waste the money that the father is to leave the son. You will research the law of: ________ trusts.
25. Your client operates a business in Maine and lives in Maine. However, your client does maintain a home here in San Diego and plans to permanently reside here. Your is a _________ of California.
26. Your client sells goods door-to-door and sometimes sells items at carnivals and swap meets. Your client is viewed as a ___________ and a ___________.
27. Your client wants operates a website, telephone, t.v. station. This is treated under the law of_________________________.

28. Two people are going to jointly purchase a house, taking title as 80% and 20%, respectively. They are not joint tenants, but ___________________________.

29. As a bright law student you want to sell your lecture notes from Legal Research over the Internet. Your notes will be protected as a form of ___________________________ property, and the federal law protecting them is known as ___________________________.

30. A neighbor took your trash container and now uses it as his own. You will sue him for: _________________________________.

31. You bought some goods from a store and you want to return them. This is covered under the law of ___________________________ and purchaser.

32. Your employee did something negligently and harmed a client. You are responsible under the law of ___________________________ and agent, and _____________.

33. You find $1 million. Whether you can keep the loot depends upon how your state determines the status of “_________________ and lost property.”

34. Two neighbors decide to construct a wall, but never discuss how to pay for the wall. The wall is known legally as “_________________” wall.

35. You lease an apartment and decide to sub-let the apartment to someone else. This is known legally as an ___________________________ of the contract.

36. You ask a friend to keep your car while you are on a long trip. The friend damages your car. This is a known as “_________________.”

37. California law now allows tribes to feature Nevada-style gambling. This is treated under the law of_________________________.

38. Whether a contract has to be in writing is determined by the “statute of ___________________________.”

39. Whether you will be allowed to hang drapes in your condo instead of shutters is determined by the ___________________________ contained in your CCR’s.

40. You cannot join the local social club because you’re not “rich enough.” Whether the club can do is determined by the law of ___________________________.

41. The government cannot conduct an inquiry into the activities of religious groups because of law protecting religious ___________________________.

42. A wealthy relative gives you an expensive car, and then wants it back. Whether you have to return the car is governed by the law of ___________________________.

43. You call PBS and offer to donate $1000, but change your mind. Whether the offer/gift is enforceable depends upon how your state deals with ___________________________.

44. Whether your state imposes liability on social hosts for serving alcohol to minors depends upon the law of ___________________________.

45. A party to a marital engagement who decides not to marry the other party is liable for the crime/tort of ___________________________ of ___________________________ to marry.

46. Persons charged with drug addiction are known as ___________________________ dependents.

47. Persons in the U.S. legally, but who are not citizens of the U.S. are known as _____________.

48. A bus or airplane is known as a ___________________________ carrier.

49. A hotel may also be treated as the above or as an ___________________________ keeper.

50. Martha Stewart is charged with: ___________________________.

51. A person injured on the job seeks ___________________________ compensation.

52. A person who steals the idea of a machine has engaged in ___________________________ infringement.

53. The couple living next door is unmarried. They are known as ___________________________ or ___________________________ or ___________________________ partners, ___________________________ partners, or as a common ___________________________ marriage.

54. In some jurisdictions, Bill Clinton and Monica Lewinksy could have been charged with: ___________________________; ___________________________; ___________________________; ___________________________; ___________________________; and/or ___________________________.

-8-
# The Legal Research Workbook

## Table of Contents

<table>
<thead>
<tr>
<th>SECTION</th>
<th>TOPIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Legal Dictionaries</td>
</tr>
<tr>
<td>B</td>
<td>Legal Encyclopedias</td>
</tr>
<tr>
<td>C</td>
<td>Legal Treatises</td>
</tr>
<tr>
<td>D</td>
<td>American Law Reports</td>
</tr>
<tr>
<td>E</td>
<td>Legal Periodicals</td>
</tr>
<tr>
<td>F</td>
<td>Citations</td>
</tr>
<tr>
<td>G</td>
<td>Legal Digests</td>
</tr>
<tr>
<td>H</td>
<td>Shepard’s Citations</td>
</tr>
<tr>
<td>I</td>
<td>Federal Statutes</td>
</tr>
<tr>
<td>J</td>
<td>Statutory Interpretation</td>
</tr>
<tr>
<td>K</td>
<td>Legal Research Handbook</td>
</tr>
</tbody>
</table>
SECTION A

LEGAL DICTIONARIES
WORDS & PHRASES
LEGAL DICTIONARIES, WORDS & PHRASES HYPOTHETICALS

Assignment: Using one of the legal dictionaries, please locate a definition to each one of the questions below. If your source cites to a case, list the case. Then explain the likely result in the case presented. Suggested dictionaries include: Black’s (7th Ed.), Ballew’s, Bouvier’s, Legal Thesaurus, or Dictionary of Modern Legal Usage (Garner). You may also use “Webster’s” or West’s Words & Phrases.

1. Bart’s girlfriend is pregnant. Bart is the father. The girl’s parents want to sue the Simpsons. They believe Bart “injured” their daughter and the Simpsons are liable under a statute making parents liable for injuries inflicted by minors. Is pregnancy an “injury” under any statute?

2. Bart follows a girl at his school, but that’s all he does. The girl has complained to the principal because she says that Bart is “stalking” her. Has Bart engaged in “stalking” the girl? The principal says that Bart is a “stalking horse.”

3. Bart brings a small firecracker to school and he is discovered by school security. He is expelled for having a “firearm” on campus. Is the “firecracker” a “firearm”?

4. Bart rides his skateboard on school grounds. School security apprehends him and the school principal suspends him for driving a “vehicle” on campus. Is Bart’s skateboard a “vehicle” under general definitions?

5. Bart and his pals get together and race their skateboards. Principal Skinner catches the boys and suspends them for “drag racing” on school grounds, a violation of school policy. Can Bart and pals be subject to the rule?

6. The Simpsons have failed to mow their lawn for several weeks, and Bart and Samantha have been having teen parties just about every Saturday night, while their parents are bowling. A neighbor, Ned Flanders, asks the local city attorney to have the Simpsons cited for maintaining a “disorderly house.” What is the definition of a disorderly house? Will she be successful in closing down the house?

7. Samantha is joining the 4-H Club at her high school. As part of the initiation, Samantha must slaughter a pig and cook it. Samantha refuses and reports the club to the school board and city attorney for “hazing.” Is the ritual hazing?

8. As a result of Bart’s misbehavior in school, the Principal paddles Bart with a large wooden paddle. The paddle breaks in half and leaves welts on Bart’s behind. Bart and his parents want to sue the school under a statute that forbids “cruel” or “corporal” punishment inflicted by school officials. Will the Simpsons succeed?

9. When Bart’s teach, Miss Crabapple, wasn’t looking, Bart “flipped her off.” Milhaus told the teacher and the Principal has suspended Bart for “abuse” of a teacher. Did Bart abuse Miss Crabapple?

10. Bart recently got his ears pierced and he recently started wearing earrings in both his ears. He also dyed his hair red so he could star in the school’s production of “Rocky Horror Picture Show.” Bart plays a transvestite. Several boys at school now whistle at Bart and call him a “ho.” Bart complains and school officials ask you to find out whether the boys’ behavior is “sexual harassment” of Bart?
11. When Bart’s school went to start a website, it discovered that the name “Springfield Elementary School” was already reserved, as were several other variations. Bart reserved the name. Can Bart be charged with a crime if he is found to be a “cybersquatter”? Likewise, the school also found that any time it used its name as a search term, search engines always listed Bart.com as a website. Is Bart also a “cyberstuffer”?

12. Mr. Simpson has some bees he’s raising. His neighbors complain. The City believes that Mr. Simpson is violating a law prohibiting any other animals than “domestic animals” to be kept in a residential zone. Mr. Simpson contends that bees are his pets; he has name for all the bees.

13. Mr. and Mrs. Simpson discover that they aren’t married. It’s no surprise; they never really married. Now Mrs. Simpson’s company refuses to continue to provide health benefits to Mr. Simpson because he is not her spouse. Mrs. Simpson claims that Mr. Simpson is her “domestic partner” and thus she’s entitled to benefits.

14. Samantha tries out for and makes the boys’ wrestling team at her high school. One of the boys she beats out for the team calls her a “big fat liar.” A school official overhears the statement and charges the boy with a “hate crime.” Has the boy committed a hate crime?

15. Assume Lisa Simpson enrolls in a college. During her sophomore year, the college decides to eliminate her major (Nursing). Lisa contends this is a breach of contract. The school contends, that even though it could keep the program, they really want to stop it. They claim that the contract has become “impossible” to perform. Can the school claim “impossibility” to excuse the breach of contract?

16. Assume that Bart Simpson is charged with the crime of setting off firecrackers at a school. The prosecutor wants the judge to take “judicial notice” of the fact that the Bart Simpson is a troublemaker, based upon statements made by teachers. Is Bart’s alleged misconduct the type of fact that a court may take “judicial notice” of?

17. Assume that Bart takes his neighbor’s dog and keeps it for ransom. The neighbors want Bart charge with “kidnapping” their dog. Is it likely that a dog may be “kidnapped” by someone else?

18. During the course of a trial, Bart’s attorney asks Bart, “Isn’t it true, Bart, that you have been an excellent student at your school?” The prosecutor objects to the question as a “leading question.” Is the prosecutor correct?

19. Bart contends that bringing a firecracker is not a “malum in se” offense, but is rather a “malum prohibitum” and thus the court should give him a lesser penalty. What is the difference between these two terms and which type of crime has Bart committed?

20. Bart goes off to college and he and several friends move into a house, where they have loud parties every night. The neighbors want the house declared a “nuisance” by the city. Is Bart’s house a “nuisance”? 

21. During his high school P.E. class, Bart goes swimming and starts to drown. The coach sees Bart and just laughs. Bart claims that the coach committed negligence because he engaged in an “omission” to act. Is Bart correct that the coach’s conduct could be an “omission”? 

-12-
22. While in college, Lisa Simpson tells her friends about the legal rights of college students, especially with regard to landlord/tenant agreements. She calls herself a “paralegal.” School officials are upset and claim that Lisa is not a “paralegal” and she cannot hold herself out as such. Are they correct?

23. (See #22) Lisa decides to charge her friends for her services. One student refuses to pay Lisa’s charge of $300 for advice. Lisa takes him to small claims court, suing him for “quantum valebant.” What does this mean and can she recover?

24. Bart purchases a car at age 17, telling the car dealer that he really is 18, but there is a mistake on his driver’s license. Bart makes payments on the car until his 19th birthday. He takes a law class and discovers that his contract is voidable because he made it as a minor. The car dealer claims Bart “ratified” the contract and it is enforceable. Is the car dealer correct?

25. While at college, Bart goes into a bar and a large and muscular student strikes a punch at Bart. Bart pulls out a knife and stabs the student. Bart says he acted in “self-defense.” Assuming Bart is charged with assault, may Bart claim “self-defense” under these facts?

26. Lisa Simpson is in college and meets a wealthy upperclassman, who proposes to Lisa. Lisa says, “You have so much money. I would feel so poor compared to you.” He responded, “Lisa, what’s mine is yours.” They marry and dissolve their marriage a few years later. Lisa claims that her former husband gave her at least one-half interest in everything he owned prior to the marriage because his words constituted a “transmutation agreement.” What is one of these, and did he do it?

27. As part of the plan to use the college weight-lifting facilities, Bart is required to sign a contract, which relieves the college of any liability for injuries to students while using the facilities. Bart is injured when another student negligently hits him with a barbell. Bart claims that the gym was poorly maintained and supervised. The college refers him to the contract he signed. Bart claims the contract is “unconscionable” and unenforceable. Is he correct?

28. While at college, Bart’s roommate steals Bart’s knife and attacks his (the roommate’s) girlfriend. The girl sues Bart on the theory that Bart is “vicariously responsible” for the actions of his roommate. Is this a theory that may hold up in court?

29. Lisa Simpson lives in an apartment at college. She’s lived there for six months and has always paid her rent three days late. Despite the fact that there is a clause in her lease, which imposed a $50 per day late fee, the landlord has never enforced it. Now the landlord seeks to impose the $150 fine. Lisa claims that the landlord may not because he has “waived” the provision in the lease. What is “waiver” and does it likely apply here?

30. Bart gets a job at Wal-Mart. As part of his employment application, it states that Bart may not join a labor union. After Bart gets the job, he is recruited to join a labor union. Bart is fired. Bart claims that the agreement he signed with Wal-Mart is a “yellow-dog contract” and is unenforceable. What is a “yellow-dog contract” and is Bart correct?

31. Assume Bart used firecrackers at his school. While at school, Bart’s sister, Lisa, gave Bart some matches, thinking that Bart needed them for his science project. When Bart tells the police that Bart got the matches from Lisa, Lisa is charged as an “accomplice.” What is an “accomplice,” and is Lisa one?
32. Assume Bart gets drunk one night at college. He enters the wrong dorm room, thinking it is his. Campus police charge Bart with "burglary." What is "burglary" and is it likely that the charges against Bart will stick?

33. Assume that when the DA charges Bart with the crime of bringing explosive devices to school, Bart contends that, at age 12, is a "child" and cannot be charged with a crime. Is Bart a "child" under American law? How is "child" defined?

34. Bart’s dog is accidentally killed by a neighbor’s dog. Bart would like to recover, as an element of his damages, “loss of consortium.” Under what circumstances may a person recover for “loss of consortium”? Is it likely Bart will be able to in this instance?

35. Bart moves from Missouri to California. As soon as he gets here, Bart rents an apartment and claims to be a resident of California. Bart plans to return to Missouri after he graduates from college. School officials at his public university deny him California residency status, largely because he is still “domiciled” in Missouri. Is Bart “domiciled” in Missouri?
Work Sheet for Dictionaries, Words & Phrases

1. What term have you been asked to define?

2. How is the term defined using a standard dictionary? (Use Webster’s Random House, or other traditional dictionary.) If no definition, put N/A.

3. How is the term defined by a legal dictionary? (Use Black’s Dictionary (7th Ed.), or Ballentine’s, or one or more of the other legal dictionaries in the Dictionary section.

   Name of the Dictionary:
   Word or Term Looked Up:
   Page No. Where Term Appears:
   Edition of the Dictionary:
   Date of Publication:
   Publisher:
   Editor: (e.g., Bryan A. Garner)
   Summarize Definition:

   Is there a case cited that mentions or discusses the definition? If so, what is the cite?

4. Go to “Words & Phrases” and look up your word/term there.

   Volume:
   Word or Term Looked Up:
   Page No. Where Term Appears:
   Did you check the pocketpart or supplement?
   Date of Pocketpart or Supplement:
   Definition of Term:

   Case Cited:
   What does the case deal with?

5. What do you and your partner think the likely result will be on this question?
SECTION B

LEGAL ENCYCLOPEDIAS
AM. JUR.
CJS
CAL. JUR.
WITKIN
Questions from last class.

Overview of national legal encyclopedias.
A. Use to learn about law, since books explain law.
B. Books provide general background about areas of law, but they are not comprehensive (do not contain all cases).

American Jurisprudence
A. Breaks down law into various topics (like World Book).
C. Used to be published by Bancroft-Whitney (Lawyer’s Co-op) (Has references to other Lawyer’s Co-op publications.)
D. Use tool by first going to General Index (multi-volume).
E. Note Topics referred to from General Index. (Am. Jur. Uses volume numbers, but volumes are arranged in alphabetical order.)
F. Note topical outline at beginning of Topic.
G. Note scope note (tells what is covered by Topic).
H. Find relevant section in Topic.
I. Read relevant language, note footnotes to cases.
J. Check pocket part for more current cases.

Corpus Juris
A. Similar to Am. Jur. in that it breaks down law into titles.
B. Published by West Publishing and keyed to West Publications, such as the West Digests.

Bernard Witkin’s Summary of California Law
A. Tenth Edition recently published.
B. Use Index to find key material. Note that books are arranged by topics.
C. Update through supplements found next to volume used.

California Jurisprudence
A. Used to be published by Lawyer’s Co-op (same as Am. Jur).
B. Note that there is also Cal. Jur. 2d and 3d (use 3d).
C. Update through pocket parts.
D. Note that other states have own state legal encyclopedias.
   (NY Jur, Texas Jur, Ohio Jur, Ill Jur)
LECTURE HYPOTHETICALS//LEGAL ENCYCLOPEDIAS

American Jurisprudence

Please complete the following hypotheticals involving "American Jurisprudence." At the end of each hypothetical you will find a volume number referencing Am. Jur. 2d. You need this volume number and the page number of your article in order to complete the problem. Please complete the worksheet attached to the end of these hypotheticals.

1. George Goodman lived next to Jean and Bob Jones. Every night for the last six months George heard loud screams coming from the Jones' home. He assumed the screams were from little Jennifer, the Jones' seventeen year old daughter. George assumed that the Jones' were abusing Jennifer, so one day he took Jennifer from the Jones' home. George is charged with "abduction and kidnapping." You represent George. Do George's actions constitute the crimes of "abduction and kidnapping"? In an action against George for "abduction," does it matter that Jennifer was pregnant at the time of her abduction? (See Volume 1, pg. 159)

2. Ed and Eunice, an unmarried couple, were awakened one evening in their bedroom by the local police. In doing a background check on Ed, the police discovered that Ed was married to another woman. As the local District Attorney, you charge Ed with committing "adultery and fornication." How will you support the charges that Ed engaged in either or both adultery or fornication? Could Ed be further charged with "living in adultery or fornication"? (Vol. 2, pg. 961)

3. You represent Sam's Bookstore. Sam recently purchased a large billboard advertising his adult bookstore. The bookstore has an American flag as a logo. Sam is charged by local authorities with violating a statute prohibiting the "use of the flag for advertising purposes" and prohibiting "advertising of adult entertainment." Can Sam use the flag? Can the city restrain Sam from advertising his business? (Vol. 3, pg. 417)

4. You represent Bart Simpson. Bart went to his friend's house and saw that his friend had captured a pigeon and was keeping the pigeon in a cage. Bart felt sorry for the bird and let the bird out of the cage and the bird flew away. The friend has contacted the police and wants Bart charged with a crime. However, Bart contends that the bird was not a "pet" because it was stolen from a park. Can the pigeon be someone's pet? (Vol. 4, Animals)

5. You represent Paul Pyro. Paul is charged with arson. He set fire to an outhouse adjacent to his family's home. As Paul's attorney, will you be able to assert that the outhouse is not the subject of arson? What are the elements of the offense of arson? Can Paul be charged with arson even though he is the son of the owner? (Vol. 5, pg. 799)

6. David Debonair is your client. David was in his favorite bar, Confetti, and started a conversation with an attractive woman. "Hey, how about coming back to my place to sleep tonight?" asked David. The woman phoned the police and David has been charged with assault. Can David's solicitation of the woman be deemed an assault? Can mere words ever be sufficient for an assault? Assume that the woman made the statement (solicitation) to David. Is it likely that the woman would be charged with assault? (Vol. 6, pg. 1)
7. You represent yourself. You are a law clerk in the Law Office of Sam Spittoon. Last week Sam asked you to interview a client for him and render legal advice. He also asked you to prepare some tax returns for another client. Sam was away from the office when you did these things. The State Bar has charged Sam with aiding the unauthorized practice of law, and you are charged with unauthorized practice. What is the unauthorized practice of law? How will you defend yourself and Sam against these charges? (Vol. 7, pg. 43)

8. You represent Ramona Wreckless. Recently, Ramona loaned her car to her 15 year old son, Rick. Rick has a learner’s permit to drive the car. Rick took Ramona’s new Porsche down Spiral Road. Rick, who was drunk at the time, was unable to negotiate a turn and ended up in the backyard of Dan Fouts. Mr. Fouts sues Ramona for “negligent entrustment.” What are the elements of negligent entrustment? How will you defend Ramona? (Vol. 7, pg. 1)

9. You represent Fred. Fred and Wilma are a married couple who live together. Two years ago the couple invited Betty to live with them. Betty is, essentially, Fred’s common law wife. She cooks meals for Fred and sleeps with Fred. Jerry Jealous, local D.A., has charged the threesome with “bigamy.” What are the elements of “bigamy”? How will you defend Fred from these charges? (Vol. 11)

10. You represent the skipper of a small ship, “The Minnow.” One day last week the skipper allowed his good friend, Gilligan, to take command of the ship while the skipper caught some rays with a movie star on the boat. While driving the boat, however, Gilligan hit Mr. and Mrs. Howell, who were swimming. While trying to avoid hitting the millionaire and his wife, Gilligan turned the boat sharply, sending the professor and Mary Anne overboard. Meanwhile, the movie star got sick. The movie star, the millionaire and his wife, the professor, and Mary Anne all bring an action against the skipper for negligently entrusting the boat to Gilligan. What are the elements of negligent entrustment of a boat? How will you defend the skipper? (Vol. 12, pg. 383)

11. You represent Bud Anderson. Bud and his sister, Cathy, recently purchased a new home in a new development. They were not sure which home they would actually get. Bud, during lunch last week, toured the tract and managed to find a home with an open door. Bud opened the door and walked in. The home, however, was occupied and Bud was charged with burglary. What are the elements of burglary? How will you defend Bud on this charge? (Vol. 13, pg. 317)

12. You represent Archie Bunker. Archie is name in a civil rights suit with unlawful discrimination. Archie is a member of a private club which does not have any minority members. Mike Stivicsky, who is black, Jewish, and of Asian descent, applied for membership in the club, but was denied. Mike claims the private club is a “public accommodation” and subject to the anti-discrimination provisions of the Civil Rights Act of 1964. Is the private club subject to the provisions? How will you defend Archie? (Vol. 15, pg. 263)

13. You represent Ed’s Eternal Cemetery. Recently a group of persons, who practice Satanic worship, raided the grave of Ted Knight, a TV actor who recently dies. Ted’s estate claims the body snatching was foreseeable and has sued Ed for damages. Is it likely that Ted’s estate will prevail against Ed? How will you defend Ed? (Vol. 22a)
14. You represent Perry Mason. Perry recently was a graduate from Nevada Western School of Law. However, Perry neglected to pay for his last year of law school. The school hired Magic Collections to get the money from Perry. The agency has made over 100 phone calls to Perry since last week. They have sent him 10 letters and have sent pickets in front of his house. Perry wants to stop this action. What advice will you give to Perry about stopping this harassment? (Vol. 15a, pg. 183)

15. You represent Sylvia Slut, a famous actress who stars in adult movies. Sylvia recently signed with Sam Sleaze Productions to star in a movie with Rock Beaumont. However, Sylvia has learned that Rock suffers from AIDS and she does not want to perform sex with Rock. Sylvia seeks your advice about whether her contract with Sam is void because she is to perform an illegal act (i.e., performing sex for money). How will you advise Sylvia? (Vol. 17, pg. 317)

16. You represent William Rehnquist, Chief Justice of the U.S. Supreme Court. Bill recently sold his vacation home in Vermont to George and Louise Jefferson, who are black. A covenant in Bill's deed states that the home may not be sold to persons of "negro race, or a couple engaged in the dry cleaning business." George and Louise own a chain of cleaning stores. What advice will you give Bill regarding the enforceability of these covenants? (Vol. 20, pg. 565)

17. You represent Steve Shy, an eighteen year old farmhand from Nebraska. Last week, while walking down Broadway, a street notorious for street walkers, Steve was approached by a woman wearing a low-cut mini-skirt and a just as low-cut halter top. "Looking for some action?" she asked Steve. "I don't know," replied Steve, "I'm a virgin. Will you teach me what I need to know?" The woman said she would and proceeded to arrest Steve for solicitation of prostitution. Can you use the defense of "entrapment" to defend Steve? What is the defense of entrapment? (Vol. 21, pg. 75)

18. You represent Sam Sleaze and Dave Druggio. Sam and Dave were interviewed by customs agents on their way back into the United States from Denmark. A customs agent found a folder in Sam's briefcase containing photographs of Sam's niece and nephew on a bear rug. The agent seized the photos and charged Sam with importing "immoral and obscene" articles. The same agent then ordered Dave Druggio to undergo a complete strip, body, and cavity search because he looked like a drug addict. Sam and Dave now seek your advice regarding whether the agent's actions were lawful. What advice on both issues will you give your clients? (Vol. 21A, pg. 775)

19. (Please see Problem #13.) Assume the police capture Ted's body snatchers. Will they be subject to criminal sanctions? If so, what crime did they commit? What are the elements of the crime? (Vol. 23A, pg. 553)

20. You represent Sean. Madonna and Sean were married several years ago when both were rich and famous. However, in the ensuing years, Sean has become an alcoholic and very dependent upon Madonna. Recently, Madonna left Sean, telling him that she is a "material girl" and he cannot provide for her. Sean wants to know if he can have Madonna charged with "desertion and nonsupport." Describe this offense. Would it make a difference to you if Sean had left Madonna and Madonna was left penniless? (Vol. 23, pg. 895)

21. You represent Aunt Bea. Now that both Andy and Opie are out of her house, Aunt Bea decided to rent out their rooms. Last month she rented their rooms to two girls, Fanny Fast and Paula Pander. Unknown to Aunt Bea, Fanny and Paula used the rooms for prostitution. Barney Fife, local sheriff, learned of the activities from Otis, a frequent customer. Barney has charged Aunt Bea with running a "disorderly house." Describe this offense. How will you defend Aunt Bea of this charge? (Vol. 24, pg. 77)
22. You represent John Ferraro. John is a college student at Middlebury College. Recently John sold some cocaine to Larry Light. After using the drug, Larry collapsed, but survived. Apparently John had given Larry ground up rat poison by mistake. Larry sues John for negligence to recover his medical expenses. How will you defend John on the theory that John did not owe Larry a duty of care? (Vol. 25)
For the following questions, please include the information on your answer that is required on the back page of this assignment sheet.

1. After seeing the attack on September 11, 2001, a Ms. Crabapple remarks to her class, “I would like to shoot the persons responsible for this.” Milhaus Nixon reports Ms. Crabapple’s remarks to the school board and the local law enforcement. Can Ms. Crabapple be charged with making a threat? (Vol. 31A)

2. (See #21). After hearing about Ms. Crabapple’s incident, a local school board member writes Ms. Crabapple an e-mail which states: “I agree with you. You know, there are a few members of the school board I would like to shoot, too.” Ms. C’s e-mail is intercepted and revealed to other members of the school board. They seek the school board member’s removal. Can they do it? (Vol. 63C)

3. During a discussion about the “War on Terrorism,” Ms. C says, “I think anyone who sympathizes with the terrorists who cased this in New York should be deported.” The school board is irate about Ms. C sharing her political views in class and fires her. Does Ms. C have a First Amendment civil rights claim against the school board? (Vol. 16A)

4. The local school board decides to require all students to stand and pledge allegiance to the flag. Lisa Simpson, Bart’s sister, refuses to do so, on grounds of her religious beliefs that she cannot pledge her allegiance to any other symbol than what is permitted in her religion. Can Lisa be required to salute the flag? Can she be disciplined for doing so? Assuming Lisa wouldn’t have to salute the flag, can she bring a civil rights claim because she was obviously be singled out and have her privacy rights exposed? (Vol. 68)

5. Bart wears an American Flag tie to class and he is disciplined for showing disrespect to the flag by wearing it as clothing. Bart is suspended and then prosecuted under a state statute that prevents “misuse” of the flag? (Vol. 35A)

6. The City of San Diego would like to demolish your client’s home in order to make room for a new sewer. Your client, Betty Thomas, would like to know the law with regard to eminent domain. (Vol. 26, Eminent Domain)

7. Paul and Mary would like to open an employment agency for paralegals. They want to advertise they can guarantee jobs for those who sign with them. Can they do this? (Vol. 27, Employment Agencies)

8. Larry Landlord requires his tenants to pay a $10 fine each day they are late with rent. Tom Tenant has always paid his rent late, usually five days later than he’s supposed to. For two years, Larry has not complained. Now he wants to get the back fines. Can he? (Vol. 28, Waiver)

9. The City of San Diego Police Department recently apprehended Carmen Criminal. Carmen was beaten with clubs until he confessed that he has committed two unsolved murders. At trial, will Carmen’s confession likely be admitted? (Vol. 29, Evidence)
10. Ozzie and Thorny made a contract which required Ozzie to pay Thorny $5000 for a new car. Before they made the contract, however, Thorny claims that he didn’t have to deliver the car until a year later. The written contract is silent as to this term. Can Thorny introduce parol (oral) evidence about the term? (Vol. 30, Parol Evidence)

11. In a murder trial, Dr. Izzaggo, a specialist in fibers, is called to testify that fibers found in a car were from clothing worn by a defendant. He will also testify about the def’s handwriting. Will the expert be allowed to testify on these matters? (Vol. 31A, Expert Evidence)

12. Milt, by accident, locked his ex-wife in her garage. She could not get out. Now, Millie, the ex-wife, would like to sue her ex-husband for false imprisonment. Can she? (Vol. 32, False Imprisonment)

13. While eating at Taco Man, Bill found some glass in his burrito. Can Bill sue Taco Man for negligence? (Vol. 35, Food)

14. At the Sigma Pi fraternity, the fraternity decided to expel a member because he was a “slob.” Our client (the slob) would like to know if he can bring an action to compel the organization to re-admit him. (Vol. 36, Fraternal Society)

15. Bill Broker failed to disclose to Bill and Betty Buyers that the home they purchased was infested with rats. Will Bill be liable for concealment? (Vol. 27, Fraud and Deceit)

16. (See #35). When Betty saw some rats at the house, she became frightened. Can she recover for the fright she has experienced? (Vol. 38)

17. (See #35 and #36). Betty was hospitalized with a severe emotional disorder. She can’t talk and doesn’t talk. She is not communicating with anyone. Her husband would like to be made her guardian. Can he? (Vol. 39, Guardian)

18. (See #35, #36 and #37). Assume Betty is in the hospital and her doctor discovers that she is two months pregnant. As Betty’s guardian, Bill orders that an abortion be performed on her. Will the DA be able to charge Bill with homicide? (Vol. 40, Homicide)

19. Tom and Tina wish to marry. They are first cousins and are worried that their marriage may be prohibited by incest laws. Are they correct? (Vol. 41, Incest)

20. Johnny, a Skinhead, recently vandalized a house of worship. He is 14 and the house of worship would like to sue Johnny’s parents. Are the parents liable? (Vol. 42, Infants)

21. The Green Cross Insurance Co. recently received claims from two insureds. One claim is for death benefits, but Green Cross believes the deceased committed suicide. The other claim is from a business, which would like money for a flood which occurred in a desert community. What are Green Cross’ rights? (Vol. 43, Insurance)

22. Dave’s Saloon served alcohol to Mary. Mary, while driving home, negligently hit Mar’s car, injuring him. Can Mark sue Dave’s for serving drinks to Mary? (Vol. 45, Intoxicating Liquor)

23. Fran applied for a job with ICM. As a condition of the job, ICM required her to take a lie detector test. She refused and would like to sue for job discrimination. Can she? (Vol. 45A, Job Discrimination)
24. Irv is a member of a labor union. The union requires members to pay monthly dues. Irv refuses and is being fired by the union. Can the union discipline Irv? (Vol. 48, Labor Relations)

25. Terry Tenant lives in an apartment. For the last six months, Larry Landlord has had a carpenter work all over the apartment building. Often, the work has produced loud noises. Terry wants to break his two year lease. Can he claim that the disturbance by a third person is a constructive eviction? (Vol. 49, Landlord/Tenant)

26. During a radio talk show, a caller called in and said, “Dr. Davis, an optometrist, can’t see what he’s doing.” Dr. Davis is our client and wants to know if he can sue for slander. (Vol. 50, Libel and Slander)

27. Sam Sleaze is our client. Sam has hired Paula’s P.R. firm to lobby the City Council for a permit to open an adult bookstore. Sam will pay Paula $10,000 if the Council provides a favorable ruling. Is the contract legal? (Vol. 51, Lobbying)

28. Martha and Wilbur recently married. Both are 80. Martha recently learned that Wilbur is impotent and wants the marriage voided. Is impotency grounds for voiding a marriage? (Vol. 52, Marriage)

29. David Duke is a member of the KKK and his employer, Smart Securities, recently discovered his political views and has fired him. Can David sue Smart? (Vol. 53, Master and Servant)

30. The local newspaper refuses to print an ad by Mr. Simpson seeking a tenant, but he tenants cannot be of a particular race. May the newspaper refuse to print the ad? (Vol. 58, Newspapers)

31. Bart wants to sue his mother for failing to provide him with proper fast food. May he bring an action against his mother under any circumstance? (Vol. 59, Parent & Child)

32. The Simpsons want to tear down the wall separating their residence and the one next door (owned by the Flanders). May they do so? (Vol. 59A, Party Walls)

33. The City of San Diego enacts an ordinance making it illegal to go door to door selling things. Lisa Simpson is a Girl Scout and gets a ticket for selling cookies. Can she be cited? (Vol. 60, Peddlers)

34. Bart goes to see Dr. Loquacious, who discovers that Bart suffers from a variety of sexually transmitted diseases. The doctor tells his wife and family, who tell the entire neighborhood. May Bart sue the doctor for invasion of privacy? (Vol. 61, Physicians)

35. The Simpsons visit a local store, whereupon Bart slips on a banana peel (that had been on the floor for several weeks). May Bart sue the store for negligence? (Vol. 63, Premises Liability)

36. The Simpsons purchase Bart a new electric train, which, because of exposed wire, electrocutes Bart. May the Simpsons sue the manufacturer for selling a defective product? (Vol. 63, Products Liability)

37. Bart has sexual relations with his girlfriend, who is 16. Mary Bart be charged with the crime of statutory rape, even though it was consensual? (Vol. 65, Rape)
38. The Simpsons signs a release that releases the school from liability associated with any injuries Bart receives while playing on the school football team. During a practice, a player tackles Bart, breaking Bart’s leg. Is the release valid against claims against the school for negligence? (Vol. 66, Release)

39. The local school establishes a reward for information leading to the arrest of a student responsible for writing hate words on school walls. Bart turns in his friend, Milhaus, but the school refuses to pay on the reward. Does Bart have a claim against the school? (Vol. 67, Rewards)

40. During school lunch, a student throws a meatball at Bart, hitting Bart in the eye. There was no teacher or other staff in the lunchroom when the incident occurred. Can the Simpsons sue the school for negligent supervision? (Vol. 69, Schools)

41. Mr. Simpson learns that Arnold Flanders, a sixteen year old boy who lives next door, had sexual relations (intercourse) with Lisa, Mr. Simpson’s daughter. Can Mr. Simpson bring an action for “seduction” against the boy? (Vol. 70, Seduction)

42. Mr. and Mrs. Simpson travel to a state which prevent oral sex between married or unmarried persons (regardless of gender). While doing it in their hotel room (with the curtains open a peek) officer Barney Fife arrests them and charges them with sodomy. Is the statute valid against the Simpsons? (Vol. 70A, Sodomy)

43. Mr. Simpson’s father is 80 years old and unable to care for himself. The local DA says that Mr. Simpson must support his father. Does Mr. Simpson have a duty to support his father? (Vol. 73, Support of Persons)

44. Bart sends his teacher, Ms. Crabapple, a note telling her that her mother has passed away, her cat was run over by a car, and that her boyfriends was seen in a strip club. None of this is true, but Ms. C believes it. Can Bart be charged with the tort of intentional infliction of emotional distress? (Vol. 74, Torts)

45. Bart stands around outside a record store with his friends. When the store owner tells Bart and friends to move, they refuse to do so, remaining on the sidewalk. May the local police charge Bart with vagrancy? (Vol. 77, Vagrancy)

46. Bart takes his dog to the local vet. While there, the dog bites the vet when the vet tries to administer a shot. Is Bart liable to the vet for the dog bite to the vet? (Vol. 78, Veterinarians)

47. Ms. Simpsons is fired from her job after reporting to a state employment agency that her boss, Mr. Sleaze, is chasing his female employees around the office. May Mrs. Simpson bring an action against her employer for wrongful discharge? (Vol. 82, Wrongful Discharge)
LEGAL RESEARCH ASSISTANT

Directions: Your instructor has given you a client problem to research. Your assignment is to begin researching the problem in legal books that “explain” the law. Please do your research in the tools below and record your finding here or on a separate page.

American Jurisprudence 2d

1. What topic did you look under to find relevant information? (e.g., “Parent & Child”)

2. Under what section within the topic did you find the most relevant information? And what page number does the section begin on? (e.g., “Section 123: Statutory Liability, pg. 451-453”)

3. Briefly summarize the key language you found that answers your question.

4. Were there any cases cited in the footnotes? If so, were there any form California?

5. Check in the front of the volume and record the volume number you are using, and also record the date of publication (should be found on the title page). (e.g., Vol. 59, 1987)

6. Now check the back of your volume and examine the pocket part. What is the date of the pocket part? It should be this year’s date, or last year’s.

7. In looking at the pocket part, using your volume number and the page where your encyclopedia entry begins, is there any new information under your section that deals with your client’s problem?
SECTION C

LEGAL TREATISES
Legal Treatises

I. Definition: Books/Materials that explain the law. Usually cover a large subject area, like Contracts, Torts, Property or some specialized areas of the law (e.g., Sexual Harassment of Working Women, Employment Discrimination).

II. Treatises are traditionally found in hard copy and available at most law libraries. You may also find them online (LEXIS-NEXIS, WESTLAW). Some publishers make treatises available on websites, while some authors/professors publish their works on their own web pages. Many treatises are available on CD-ROM.

III. Types of Treatises

A. Books helpful for students include the following:
   1. Student Hornbooks – primers on the law.
   2. Nutshell Series – published by West, designed to give very general overview about a substantive area of law (“Torts in a Nutshell”)
   3. Outlines – provide overview of the law – not necessarily a treatise.
   4. Casebooks – books used in law classes, contain cases, discussion.

B. Self-Help Books (NOLO Press guides)

C. Continuing Education of the Bar (CEB). (Very helpful for California)

D. Rutter Group books (TRG) (very helpful practice guides)

F. Multi-volume treatises.
   1. Note ones useful for California law.
      a. Bernard Witkin, Summary of California Law (9th Ed.)
      b. Miller & Starr, California Real Estate Law (2d Ed.)
      c. California Family Law Service
      d. Marsh’s California Products Liability Law
      e. L. Dershem, California Legal Research Handbook

   2. Traditional or classics include:
      a. Corbin, Contracts; Farnsworth, Contracts
      b. Prosser, Torts; Harper et. al., Torts
      c. Nimmer, Copyright; Goldstein, Copyright
      d. Perkins, Criminal Law, Lafve & Scott, Criminal Law

G. Formbooks – available in hard copy, CD-ROM, on-line. Very helpful when you need to create a pleading or created a document.

   1. Pleading formbooks.
      a. California Forms of Pleading & Practice Annotated
      b. California Civil Practice
      c. J. Moore, Moore’s Federal Practice (2d Ed.)
      d. C. Wright, Federal Practice & Procedure (2d Ed.)
2. Formbooks in general – useful for “how to” prepare a contract, will, etc.
   a. Find “books” dealing with your topic area first, like books on ‘entertainment
      law.’ You will typically find form books covering your topic area.
   b. There are some general legal form books:
      Jur. Legal Forms
   c. Motion Books – may find a form useful in creating support for a motion.
      1. California Points and Authorities

IV. Finding Treatises. Generally, the computerized card catalog is the best source for finding treatises
in your library.

   A. Go to the section of the law library that has the books in your subject area. Select a treatise that
      is thorough and timely.

   B. Also not that treatises are reference in most research tools, such Am. Jur., ALR, Witkin, Cal.
      Jur., and Shepard's. (Shepard's lets you know whether a treatise has cited your key case.)

   C. Also consider using on-line services for help in locating major treatises in your area.

   D. Note also that most law libraries maintain popular treatises at the reserve area.

V. Updating Treatises. Most treatises have supplements. Treatises available on-line and on CD-ROM
are updated periodically. Check with the on-line service for recent updates and when CD-ROM
disk was prepared.

VI. Attached you will find sample pages from 2 Harper & James, The Law of Torts. This is a
traditional treatise. Following that, you will see sample pages from California Civil Practice, a
practice guide. You will note that the latter has references to cases. Most practice guides are
somewhat of a hybrid, combining a discussion of the law with practice forms.
Lecture Hypotheticals: Legal Treatises

Below you will find your assigned problem. Following your problem, you will find a recommended treatise. The name of the author appears, followed by the name of the treatise. You should use the computerized card catalog to find the treatise. If your treatise is not in the library, or someone else is using it, then use another treatise on the same topic. You can always use the corresponding Nutshell book. So, for example, if you have a problem involving contracts, use "Contracts in a Nutshell." Most of these books are in the Reserve Area.

1. School officials don’t like Bart and decide one day to search his school locker. Can the school officials search his locker without reasonable suspicion? *(Lafave, Search & Seizure)*

2. Samantha, 16, purchases a car, telling the car salesman that she was 18. Several days after the purchase, she tried to return the car and argued that the contract was invalid because she was under 18. Is she correct? *(Corin, Contracts)*

3. The students at Springfield Elementary become sick from drinking the water. Principal Skinner discovers that the PCB plant a few blocks away is depositing water into the water table. Has the plant violated any federal or state laws dealing with clean water or disposal of waste? *(Rodgers, Environmental Law)*

4. Mr. Simpson makes Bart work twelve hours a day, putting a web site together for Mr. Simpson. Bart claims Mr. Simpson is engaging in child abuse. Is he correct? *(Nutshell, Family Law)*

5. Bart purchases a video game over the Internet. The game is defective. Bart tries to sue the Internet retailer here in San Diego. The retailer says California has no personal jurisdiction over it. Is it correct? *(Freindenthal, Civil Procedure)*

6. Bart make a doll, which is a likeness of Brittany Spores, Bart’s favorite teen singer. Brittany’s attorney says the doll violates Brittany’s right to publicity. Is she correct? *(Entertainment Law)*

7. Samantha goes looking for drugs in a dumpster outside a medical office. Police arrest her and charge her with burglary. Is the dumpster a dwelling house? *(Lafave, Criminal Law)*

8. Bart’s cousin, Boris Simpson, is 17 but looks much older. One night, at a local bar, Boris meets Miss Crabapple and the two go back to Miss C’s apartment, where they have sexual relations. The DA charges Miss C with statutory rape of Boris. Can she be prosecuted? *(Morosco, Prosecution & Defense of Sex Crimes)*

9. Mrs. Simpson visits an attorney to pursue a legal claim she has against a doctor. The attorney doesn’t bother to update (Shepardize a case) regarding her claim and gives her incorrect legal advice, telling her that she doesn’t have a claim. Is the attorney liable for malpractice for failing to research? *(Mallen, Legal Malpractice)*

10. Bart is on trial for setting fire to Milhaus’s chair in school. At his trial, the DA seeks to introduce evidence of Bart’s bad character, including prior acts of misconduct. Can the DA do so? *(Lilly, Evidence)*
11. Bart takes Principal Skinner’s photograph and makes t-shirts of Principal Skinner. He put a moustache on Skinner’s face so that he looks like Adolf Hitler. Can Principal Skinner sue for violating his right to privacy? (J. Thomas McCarthy, *Right of Publicity & Privacy*)

12. Mr. Simpson is tired of paying off his student loans. He files bankruptcy and seeks to discharge his student loans. Can he do so? (Epstein, *Bankruptcy*)

13. Playing a practical joke on Mr. Flanders, Mr. Simpson puts a Whoopie Cushion on his chair. When Mr. Flanders sits down, the cushion explodes, scaring Mr. Flanders. Can Flanders sue Simpson for battery? (Dobbs, *Torts*)

14. Bart jumps into the swimming pool next door, the pool belonging to the Flanders. There was no water in the pool and Bart broke his leg. Can the Simpsons sue the Flanders on theory that the pool is an attractive nuisance? (Dobbs, *Torts*)

15. The Simpsons, being sued by many people, have tendered the claims to All-State Insurance Co., the carrier of their homeowner’s policy. Is the insurance carrier responsible for “international” misconduct committed by an insured? (Keeton, *Insurance*, or Applebaum, *Insurance*)

16. Bart purchases a computer at Circus City. He doesn’t have the $1000 for the computer, but he agrees to pay $100 a month for five years. Is the contract unconscionable? (Nordstrom, *Sales*)

17. Bart’s school plans on drug testing all students. May the school district drug test all students without probable cause? (Rapp, *Education Law*)


19. Mrs. Simpson is upset because Mrs. Papu, from India, is not a U.S. citizen, but she would be an excellent teacher. May the school district refuse to hire Mrs. Papu on grounds that she is a resident alien? (Nowak, *Constitutional Law*)

20. Doug Flooysy, a player for the San Diego Chargers, is tackled and beat up after a game. The opponents, some players for the Oakland Raiders, contend that the attack is part of the game. Can Flooysy sue for assault and battery? (Yasser, *Sports Law*)

21. Grandpa Simpson gets a prescription for Viagra. However, Grandma Simpson says the drug makes her husband frisky and violent. Can Grandpa Simpson sue for product defect against the drug manufacturer? (Owen, *Products Liability*)

22. Mr. Greenjeans, science teacher at Lisa Simpson’s school, shows kids how to dissect a frog. He first places a live frog in a baggie and has the class watch as the frog suffocates. Lisa contends this is animal abuse. Is she correct? (Animal Law)

23. Mrs. Simpson contends that Mr. Simpson’s yelling at her amounts to domestic violence. Can one commit domestic violence without committing physical abuse? (Lenore, *Domestic Violence Law*)

24. Bart and his friends dump lead paint down the drain and bike to the beach to watch the paint come out the sewer outlet. Local police arrest the boys for discharging hazardous waste in city sewers. Will the charges stick? (Nutshell, *Hazardous Waste*)
25. Mr. Simpson rents an apartment, but soon discovers the apartment is plagued by insects and rodents. He refuses to pay rent and contacts the local health department. After doing so, he gets an eviction notice. Mr. Simpson wants to sue for retaliatory eviction. Can he do so? (Nutshell, Landlord-Tenant Law)

26. Mrs. Simpson is thrilled because she has purchased a Picasso on E-Bay for $100. She quickly discovers that the painting she bought is a forgery. Can she sue for fraud? (Nutshell, Art Law)

27. Mr. and Mrs. Simpson consider getting a divorce. Mrs. Simpson believes that Mr. Simpson’s separate lawn mowing business is a community asset and she should get one half of it. Is she correct? (Nutshell, Community Property)

28. Samantha Simpson moves in with her boyfriend, Manfred. She and Manfred end up living together for five years. Do they live in a common law marriage under California law? (Nutshell, Family Law)

29-36. Please pick one of the other problems above. Instead of using the recommended treatise, use the Nutshell book.
Treatise: Worksheet

1. Which problem (#) are you working on?

2. What is the legal issue present in your problem?  
   (Whether under Federal or State statutory, case law or administrative law, may ...)

3. What are your key finder words? TARP?

4. Which access path did you use to find a target section?  
   (Descriptive word index, table of cases, topical approach)

5. What is the title of your treatise?

6. Is it the first of latter edition?

7. What is the date of publication?

8. Is it a multi-volume treatise? If so, what volume number did you find useful information?

9. What is the full name of the author?

10. Who is the publisher?

11. What is the topic or sub-topic that is most relevant? (Each treatise has a different design, but most have sub-topics and section numbers.)

12. On what pages did you find relevant language?

13. Please summarize or quote the key language that answers your question.

14. Did you check the supplement (if there is one). What is the date of the supplement?

15. How would you answer the question you presented in your problem?
SECTION D

AMERICAN LAW REPORTS
American Law Reports

I. Outstanding research tool, providing capsule summaries of issues of law.

II. Great research tool to use when looking for a comprehensive discussion about a particular issue in the law. Unlike other tools, this one is designed around issues, similar to legal articles.
   A. ALR is a secondary tool, but considered highly persuasive with the courts.
   B. Analyses are objective.
   C. Annotations provide references to other Co-Op materials (Am Jur. ALR USCS).
   D. Next to ALR 4th, you will find a one volume book providing references to West Key Numbers and electronic search queries that can be used with Westlaw and Lexus.

III. There are seven units to ALR.
   A. ALR (First Series) 1919-1948.
   B. ALR 2d 1948-1965
   C. ALR 3d 1965-1980
   D. ALR 4th 1980-1992
   E. ALR 5th 1992-present
   F. ALR Federal 1969-present
   G. Lawyer's Edition contains annotations based upon Supreme Court cases.
      * Note that ALR 3d, 4th, 5th. ALR Fed and L. Ed. are supplemented with pocket parts.

IV. Approach ALR the following way:
   A. Use the ALR Index to Annotations (covers ALR 2d, 3rd, 4th, 5th, ALR Fed. And L. Ed.)
   B. Use your descriptive words to locate a relevant ALR annotation. Be sure to note the volume number, ALR edition, section, and page number. (54 ALR 3d sec. 7 974)
   C. Before leaving ALR Index, check the pocket part to see if there are newer annotations.
   D. Even after checking the pocket part, check the Historical Table located in last volume of the Index to Annotations. Also consult latest ALR volumes and ALR Digests.
      1. If your annotation is listed in the Historical Table, it has been supplemented or suspended by a later annotation. You should read both, but the newer one is the best one to use.
   E. When you find your annotation, be sure to note the volume number, title of the annotation, name of the author, date of publication, section numbers and page numbers.
   F. Scan the beginning of the annotation and note the scope note, related matters, and table jurisdictions. Often, you may find a more relevant annotation in the Related Matters.
   G. Note the key language from the annotation and be sure to cite the section and page number. Also note any cases, law reviews, and statutes cited in footnotes.
   H. When finished with the hardbound book, be sure to check the pocket part.

V. There are alternative approaches to finding an annotation on point.
   B. Refer back to key cases to see if they have cited any ALR annotations.
   C. Am. Jur and other Co-Op tools (Witkin, Cal. Jur) will refer to ALR annotations.
   D. In the last volume of the Index to Annotations, you will also find a Table of Laws, Rules and Regulations. Look up, for example, a federal statute, and you will find which annotations have discussed that particular statute.
AMERICAN LAW REPORTS

Each of you will be given a problem from the following list. At the end of each problem is a suggested ALR annotation. You are to read the annotation and then answer questions on the last page of this handout.

1. Your client is Wilma Flinstone. She’s getting a divorce from her husband, Fred. Wilma supported Fred while he attended law school. She believes that Fred’s law degree is marital property for purposes of property settlement. (See 4 A.L.R. 4th 1294)

2. Your client is Julianna Jefferson, a ten year old girl. While walking home from school last week, a German Shepard growled at Julianna as she walked past the dog. The dog did not bite her, but he did scare her. Julianna has had recurring nightmares about the incident and she hates dogs. Her parent want to know if they have an action against the dog’s owner for emotional distress. (30 ALR4th 986)

3. (See #2). Assume that the German Shepard in the above problem was taken to the veterinarian by his owner. While at the vet’s office, the dog bit the doctor. The doctor wants to sue the owner. You represent the owner. (4 ALR4th 349)

4. Your client is Trish, a sixteen year old girl. Trish’s mother was recently involved in an accident with a drunk driver. Her mother is an invalid. Trish would like to know if she has an action against the defendant driver for loss of support. (11 ALR4th 549)

5. Your client is Mr. Huxtable. Mr. Huxtable does not want to send his son to the local elementary school because the school is “full of drug users, pushers, and gangs.” He refuses to send his son to school. He wants to know if he can be held criminally responsible for his action. (9 ALR4th 122)

6. Fiona and Mike have been living together for ten years. Recently Mike decided to leave Fiona and marry Maureen. Mike wants to know if he’s entitled to take all the furnishings he and Fiona bought while they lived together. (3 ALR4th 13)

7. While your client, Clark, was making a telephone call from a telephone booth, the booth toppled over. Clark was severely injured. Does he have an action against the phone company? (17 ALR4th 1308)

8. Father Murphy was recently fired from his post at a local church because members of his church said that he was boring. He would like to bring an action against the church. Will a court be likely to her his case? (31 ALR4th 851)

9. Maureen was recently fired from her job at a law school because she was a pest. In fact, Maureen, a law professor, complained that her office was not properly ventilated. Even though Maureen was an “at will” employee, does she have an action against the school? (35 ALR4th 1031)

10. (See #9). Assume that the Dean of the Law School told Maureen that he can fire an employee for any reason (no matter how arbitrary). Is that a correct statement of the law? (12 ALR4th 544)

11. Carol, your client, recently visited a diet doctor, Dr. Diet. The doctor prescribed medication to assist Carol in losing weight. Unfortunately, as a result of taking the medication, Carol has suffered other complications. Does she have an action against Dr. Diet for malpractice. (1 ALR4th 236)
12. Maureen McDonnel, a San Diego police officer, would like to bring an action (for emotional distress) against Sam Jacoby. While investigating an accident, Jacoby referred to McDonnel as a “dumb cop.” Does she have an action? (20 ALR4th 773) (14 ALR4th 1252)

13. In prosecuting a rape case, the prosecutor would like to offer into evidence that the accused raped or attempted to rape other persons (in addition to the prosecutrix). Is the evidence likely to be admissible? (2 ALR4th 330)

14. Barbara Mooney was a member of the Moon Children, a religious sect. Recently her parents hired someone to have Barbara deprogrammed. Barbara and the Moon Children would like to bring an action against Barbara’s parents and the man responsible for her deprogramming. Can they do so? (11 ALR4th 228)

15. Sam Sleaze brought some film to the local Fotomat to be processed. While processing the film, Gary Falwell, the store manager, noticed the photographs were of Sam and his girlfriend. The photos were taken when Sam and his girlfriend visited a nudist camp. Falwell refused to return the film, stating that he wanted to give the film to the “authorities.” Does Sam have an action against Falwell? (18 ALR4th 1326)

16. (See #15). Assume Sam would like to be admitted to the California Bar. He is now attending California Western School of Law. The officials of the California Bar have learned that Sam is nudist and believes he does not have the moral character necessary to practice law. Does Sam have any rights against the Bar? (21 ALR4th 1109)

17. (See # 15 and #16). Assume that Sam and his girlfriend have made a videotape. The tape shows Sam and his girlfriend at the nudist camp (they are unclothed). The tape also contains footage of Sam and his girlfriend engaged in sexual acts. The tape was recently duplicated by Erotic Tapes, a distributor of adult entertainment videotapes. Sam would like to bring an action against Erotic Tapes for copyright infringement. The attorney for Erotic Tapes claims the material is not protected by copyright because it is obscene. The material has not been judicially determined to be obscene. Does Sam have enforceable copyright protection? (50 ALR Fed 805)

18. Felicia is your client. Recently she was arrested by the police and charged with wearing dress of the opposite sex. Felicia is actually a he (named Phillip). Phillip would like to know if it really is a crime to wear clothing of the opposite sex. (12 ALR4th 1249)

19. (See #18). Assume that Felicia was arrested in the above example for prostitution. Officer O’Reilly saw Felicia while she was on a street corner. O’Reilly said to her, “Hey, how about some action?” Felicia replied, “Yeah, let’s go. I’ve got a surprise for you.” Felicia was then arrested. She claims that the police entrapped her. What would you advise her of this defense? (12 ALR4th 413)

20. You represent the University of New York, a private school in New York. For several months the school experienced a series of rapes around the campus. Specifically, the rapist gained entry to the women’s dorms and attacked women. Edna was recently attacked and has brought a negligence action against the University of New York. You represent the school. Do they have a defense? (1 ALR4th 1099)
21. (See #20). Assume that Edna’s rapist was a man named Earl. Earl had been in a mental hospital and was treated by Dr. Freud. The psychiatrist knew that Earl was a sexually disordered sex offender. However, he felt nothing could cure Earl and let him out of the hospital. Does Edna have an action against the psychiatrist for malpractice? (28 ALR4th 712)

22. (See #20 and #21). Another patient of Freud’s, Loretta Lyndy, recently committed suicide. Freud knew that Loretta was suicidal, but he felt nothing could be done to cure Loretta of the depression she developed as a result of Bobby Ewing’s death. Do you think Loretta’s parents have an action against Freud? (17 ALR4th 1128)

23. IBM has been exploiting the name of Charlie Chaplin to develop its line of personal computers. The heirs of Chaplin’s estate would like to bring an action against IBM for exploiting Charlie’s name and likeness. They have asked you for advice regarding that action. (10 ALR4th 1193)

24. Bill Noyes, a medical student at the University of California at San Diego, refused to assist in performing and abortion at the school hospital. He refused for moral and religious reasons. The Medical School administration refused to allow Bill to continue in the program and refused to certify him as successfully completing the “surgical skills” component of his education. Does Bill have an action against the school? (11 ALR4th 1182)

25. While attending a party off campus, Chris had a few too many beers and was involved in a brawl with several other students. The party took place in a private home. The campus administration at San Diego State University heard about the incident and suspended Chris from school. Chris doesn’t think it’s right that he be punished for behavior off campus. Do you agree with him? What would you tell him as his attorney? (28 ALR4th 463)

26. Tanya Teller is also a student at SDSU. During the past several weeks she has been seen doing the following: dancing naked in the cafeteria, talking to a statue, and yelling at other students. A school psychologist has diagnosed her as suffering from a psychological illness. The school wants to dismiss Tanya. How would you advise the institution? (17 ALR4th 519)

27. While entering San Diego Stadium, Mayor Hedgecock was searched. Hedgecock objected to the search as an invasion of privacy. He wants to sue the Stadium Authority. How would you advise him? (28 ALR4th 1250)

28. The parents of Maggie Meyers, a San Diego girl with AIDS, would like to bring an action against the San Diego Blood Bank. Medical experts have indicated that Maggie received AIDS via blood from the blood bank. How would you advise Maggie’s parents? (24 ALR4th 508)

29. During his confession to Father Fine, Joe confessed he had molested three kids in the neighborhood. Father Fine replied, “Thank you for telling me.” Father Fine did not report the statement to the police. Father Fine wants to know if he can be punished for failing to report this crime to the police. How would you advise him? (71 ALR3d 794)

30. (See #29). Joe was eventually convicted of child molestation. Joe was a school teacher employed by San Diego Schools. The Board fired Joe after his conviction. Joe now sues the District. How would you advise the district? (78 ALR3d 19)

31. Josephine is a teacher. Her teaching certificate was recently revoked because she uses cocaine. What would you advise her? (47 ALR 3d 754)
32. Madelyn and Jack are getting a divorce because Madelyn is a lesbian and would rather live with Fran. Jack would like to keep custody of their son, Jody. Jack feels the court can deny custody of Jody to Madelyn because she is a lesbian. How would you advise Jack? (6 ALR4th 1297)

33. A leader of a terrorist group in the U.S. says on television, “I’d kill the President before I go to war.” Can he be charged with making a terrorist threat? (45 ALR4th 949)

34. A leader of a terrorist group calls a local school and threatens to blow up the school. Can he be charged with a crime? (79 ALR5th 1)

35. A terrorist lights and throws a bottle of lighter fluid inside a building, causing an explosion. Can the maker of the lighter fluid be held liable for making powerful lighter fluid? (14 ALR4th 1)

36. A terrorist blows up an airline terminal, causing the deaths of many. Does the airline, which operates the terminal, incur any liability for the terrorist act? (36 ALR Fed 490)

37. A teen calls up a local Islamic group and threatens to blow up the group’s headquarters. Is this a federal crime? (160 ALR Fed 625)

38. The President would like to have electronic surveillance on foreign enemies, particularly terrorist groups overseas. Can this be done? (86 ALR Fed 782)

39. A hotel is destroyed as a result of a collapsing building nearby. The collapse is caused by a terrorist act (bomb, plane crash). The hotel’s policy does include a provision that it is insured against damaged caused by “civil commotion.” Will this enable the hotel to collect insurance for its destruction? (30 ALR5th 170)

40. Because of failure to provide adequate security (e.g., security agent failed to detect gun), a terrorist got on a plane and destroyed it. Does the municipal airport incur liability for the negligence of its employee? (66 ALR2d 634)

41. The police arrest a man through the use of surveillance. The man’s defense attorney cross-examines the police, asking very specific questions about the methods of surveillance and the sophisticated equipment used. The officer refuses to answer on the grounds of the police surveillance privilege. Is there such a privilege? (67 ALR5th 149)

42. During a hostage stand off in an airplane, a passenger on the plane (who is a police officer) takes video of the terrorists before they are shot by police. Now the media would like to see the videos for possible broadcast. The President refuses the request on the grounds the disclosure would hurt national security. Is the President correct? (169 ALR Fed 495)

43. Local radio talk show host, Roger Hedgerock, takes the airwaves and criticizes the President for not ordering immediate bombing “of some country.” Hedgerock says, “The reason he won’t act is because he’s a terrorist himself and wants to protect oil more than democracy.” Can the President bring an action against Hedgerock for defamation (slander)? (62 ALR4th 314)

44. A woman who came to America and aided terrorist groups and was convicted of doing so. She is to be deported, but claims that she will be subject to the death penalty if she returns to her home country. Can she seek political asylum? (122 ALR Fed)
45. Bart claims that Miss Crabapple, his high school teacher, frequently kisses him and hugs him. He has brought a claim against her for sexual harassment. Miss Crabapple believes that her insurance carrier, Horace Mann, has a duty to defend and indemnify her for any claims. Is she correct? (94 ALR5th 567)

46. Miss Crabapple, Bart’s teacher, was a new hire in the school district. But after a few weeks, students complained that she was rude to the students and their parents. She failed to return assignments, failed to arrive at school on time, and often smoked in her classroom. Principal Flanders fired Miss Crabapple and she has sought unemployment compensation. The school board contents that Miss Crabapple is not entitled to unemployment compensation because her misconduct was the cause of her termination. Is it correct? (95 ALR5th 329)

47. Selma Simpson was recently hired by a local school district to teach P.E. classes. Upon learning that Selma is a lesbian, the district fired her. Does Selma have a claim for discrimination based upon her sexual orientation under state or federal law? The school district claims she has not protection. Is it correct? (96 ALR5th 391)

48. As a result of just a few weeks on the job at Bart’s high school, Miss Crabapple quit her job. She was subject to frequent taunts and abusive comments, and that was just from school administrators. As a result of the verbal abuse, she suffered emotional distress and now claims that she was ‘injured’ on the job and entitled to workers’ compensation for her emotional distress. Is she correct? (97 ALR5th 1)

49. The Rancho School District advertised that it was going to have a fundraiser at the school that would make “Barney the Dinosaur” envious. The ad featured a little drawing of Barney. The copyright holder of Barney found the ad and is suing the district for copyright infringement. The school claims that its general liability insurance policy covers copyright infringement claims. Is it correct? (98 ALR5th 1)

50. The Rancho School District hired Selma Simpson to teach P.E., but when Miss Simpson stated she was pregnant and unmarried, the board fired her. Miss Simpson claims her firing is based upon her pregnancy and it is illegal. Is she correct? (99 ALR5th 1)

51. Barney Fife is a school police officer. A student reported that she had been sexually assaulted by Bart. He grabbed her butt, she alleged. In investigating the incident, Barney told several students that the girl, Margaret Moody, is “probably lying” and that he would find out. Margaret sues Barney for libel. Is it likely that Barney is immune from liability because he is a police officer? (100 ALR5th 341)

52. Bart is a campus youth minister at his high school. A student may have told Bart of his (the boy’s) plans to do harm to others at the school. The principal interviews Bart to find out what was said. Bart claims that his communications with the boy are protected by the clergy privilege. Is he correct? (101 ALR5th 619)

53. Miss Crabapple was a chronic smoker before the school district hired her. She was told that she couldn’t smoke in her classroom, and that she could only smoke during lunch and recess, outside of school grounds. However, Miss C did, in fact, smoke in her classroom and she was fired by the school district. Miss C claims that her nicotine addiction is a disability under state law and she is being discriminated against because she is a smoker. Is she correct? (102 ALR5th 1)
54. The Rancho School District recently purchased a school bus for its small student body. The Simpsons own a home next to the school and have repeatedly complained that the bus is noisy, smelly, and the vibrations from it passing each morning wake them up. Can they bring a suit for nuisance against the district for the vibrations caused by the bus? (103 ALR5th 157)

55. The Superintendent of Ranch School District, Dr. Jerkyl, insisted that Principal Flanders fire Miss Crabapple because Miss Crabapple had filed a sexual harassment claim against him (Dr. Jerkyl). Flanders refused, so Dr. Jerkyl fired him. Flanders claims that Jerkyl’s firing was in retaliation for refusal to perform an illegal act. Is he correct? (104 ALR5th 1)

56. (See #55). Assume that Principal Flanders doesn’t like Supt. Jerkyl. He writes a letter to the federal Department of Education, complaining that Jerkyl may be spending federal funds for unauthorized activities, like golf membership. The claim is false. The Supt. Fires Flanders and Flanders sues for retaliatory discharge. Is he likely to prevail? (105 ALR5th 351)

57. Bart is angry at teachers and students at his school. He brings a gun to school and, while he is walking past a room full of people, he points the gun towards the room, but he doesn’t pull the trigger. He changes his mind and goes home. Later that day he tells a friend what he did and the police charge Bart with attempted assault, even though no one in the classroom knew of their pending doom. Bart claims he committed no such crime. Is he correct? (93 ALR5th 683)

58. The Rancho High School District built a three-story school next to the Simpson home. Mrs. Simpson goes outside on sunny days and bathes without her top on. Boys from the school watch Mrs. Simpson topless. The school contends that Mrs. Simpson’s nudity is a nuisance and they want her to stop. Can they make her stop? (92 ALR5th 593)

59. In order to catch boys selling dope in a school bathroom at Rancho High School, Principal Flanders installs a video surveillance camera in the restroom. It’s hidden. Bart claims that the camera violates his civil rights. Is he correct? (91 ALR5th 585)

60. At a school football game, held after school, a spectator, Mr. Simpson, gets upset with a referee over a call against Bart. Mr. Simpson runs onto the field and pushes the ref down, causing the man to suffer a broken neck. The ref sues the school district on the grounds that the district should have had school police at the game, because it was foreseeable that parents like Mr. S would get upset at his questionable calls. Is he correct? (90 ALR5th 273)

61. Miss Crabapple was teaching his English class and had rented a DVD of “MacBeth.” Much to her horror, during the film, she noticed that an adult pornographic clip was inserted in the film. She was shocked, embarrassed, and horrified, especially when seeing how the children reacted to the clip. She sues the distributor of the tape for negligent infliction of emotional distress. Will she recover? (89 ALR5th 255)

62. When Bart came to high school appearing drunk, Principal Skinner sent Bart home. Bart drove home and ran into another car. The driver of the other car has sued the school district for Bart’s action. Is the district liable? (85 ALR5th 301)

63. School police suspected Bart was sending threatening letters to school teachers and administrators. School police went to Bart’s home while Bart was at school and asked Mrs. Simpson if they could examine Bart’s computer, which she allowed them to do. They found lots of illegal material on Bart’s computer. Bart contends that his mother did not have the authority to consent to a search of his computer. Is he correct? (84 ALR5th 1)
64. Bart has refused to go to school because several of the girls at school tease Bart by calling him names, grabbing his butt, and making fun of his body. Bart claims he is being sexually harassed and that because no school officials take his complaints seriously, he can sue the district. Is he correct? (86 ALR5th 1)

65. A sexual assault has occurred at Rancho High School and Bart is accused of the act. The victim and her family want Bart tested for HIB, which Bart refuses. Can a court order Bart tested? (87 ALR5th 631)

66. A school shooting occurs at Rancho High School. The shooter stole a gun from his father. The victims want to sue the firearm manufacturer for injuries they suffered. Will they have a claim? (88 ALR5th 1)
Cluster Assignment: American Law Reports

You work for the President of the United States. He has asked the Counsel to the President for some answers to some questions about confronting terrorism. Read your assigned question and then go to your assigned ALR annotation to look for the answer. Please complete the attached sheet.

33. A leader of a terrorist group in the U.S. says on television, “I’d kill the President before I go to war.” Can he be charged with make a terrorist threat? (45 ALR4th 949)

34. A leader of a terrorist group calls a local school and threatens to blow up the school. Can he be charged with a crime? (79 ALR5th 1)

35. A terrorist lights and throws a bottle of lighter fluid inside a building, causing an explosion. Can the maker of the lighter fluid be held liable for making powerful lighter fluid? (14 ALR45h 1)

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37. A teen calls up a local Islamic group and threatens to blow up the group’s headquarters. Is this a federal crime? (160 ALR Fed 625)

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44. A woman who came to America and aided terrorist groups and was convicted of doing so. She is to be deported, but claims that she will be subject to the death penalty if she returns to her own country. Can she seek political asylum? (122 ALR Fed)
American Law Reports

On the third floor (Stacks) you will find A.L.R. Remember that ALR consists of ALR, ALR2d, ALR3d, ALR4th, ALR5th, and ALR Fed. There are also the ALR Digests. Your instructor may have given you a problem and a suggested ALR annotation to examine. If so, do that now. If not, consider beginning your research in the ALR Index or ALR Digests. If using the Digests, begin your research by examining a topic that might have something on point with your issue.

1. What problem are you working on?
2. What is the title of the annotation you found?
3. Who is the author?
4. Where is the annotation located? Volume Number ____? ALR 4th or 5th or Fed.? Page number where the annotation begins?
5. Does the scope note tell if your issue is discussed?
6. Does it give you cross references to other ALR annotations that could be even more on-point?
7. Do you get references to other tools published by Law Co-Op that could be helpful?
8. Does it give you references to West Key Numbers?
9. Does it give you a reference to an electronic search query that could be used for WestLaw or Lexis?
10. When you look at the Table of Jurisdictions, is your State covered?
11. If there is an Index to the Annotation, are there any topics listed there that might be helpful to look at?
12. What sections of the annotation are most relevant, and also the page numbers where those sections appear?
13. Indicate (by summary) the key language that most applies to your problem?
14. Identify any key cases or statutes that are helpful.
15. Check the pocket part to see if there is any more helpful language there. Often you will find new annotations listed there that somehow deal with your topic.
SECTION E

LEGAL PERIODICALS
Law Related Articles

I. Use of law-related articles

A. Finding primary authority

B. Research & analysis provided for you

C. Major author may be arguing for a change in law

II. Types of legal periodicals

A. Bar journals – practice oriented

B. Legal newspaper – helpful updates about law and profession
   2. *San Diego Transcript* (Wednesday edition devoted to local law news)

C. Law reviews – scholarly studies about issues in the law
   1. Lead Articles – professors, judges, attorneys
   2. Student Articles
      a. Note – focus on a case
      b. Comment – focus on an issue in the law
      c. Developments, Recent Legislation, Book Reviews

D. Hundreds of law reviews, 2000+ world-wide

E. Some law review are published commercially, but most published by law schools

III. Accessing law-related articles

A. Index to Legal Periodicals and Books (ILPB), 500 publications. (LEXIS-NEXIS, WESTLAW)

B. Current Law Index (CLI), 800+ publications
   1. On-line version is called *Legal Resources Index* and is available on both LEXIS and WESTLAW
   2. CD-ROM version is called LegalTrac and is available in most law libraries.

C. Also note that there are other indexes one can use: Current Index to Legal Periodicals is great for finding the most up-to-date articles. Otherwise, also consider the Index to Foreign Legal Periodicals, Index to Periodicals Related to Law.
Looseleaf Services

I. Background. Much like a monthly newsletter, looseleaf services provide us with the latest information about our particular area of law. Published on a monthly basis, the looseleafs are typically published monthly by commercial publishers. The monthly newsletters are maintained in large looseleaf binders.

A. Generally, not a great place to begin your research because they assume you know much about the area of law you’re researching.

B. Looseleafs are designed for practitioners, persons who already know the law, but to keep abreast of the latest developments.

C. Very helpful, however, when you are researching a novel issue, especially one dealing with a developing area of law (computer law) or the application of new technology to a traditional theory (e.g., is libel on the internet libel or cybil?)


II. Design of Looseleafs. Because they appear monthly, usually each issue contains a section on recent cases, recent statutes, legal literature, pending cases and statutes.

III. Accessing articles in looseleafs. Good luck. Most looseleafs have either a semi-annual or annual index. Using your key words, you look for an article/case referenced in a particular volume of service. Note the looseleafs are normally paginated sequentially (next issue picks up on the next page where the last one ended). Often, when you know you’re dealing with a new area of law, go to the latest edition of looseleaf and work backwards.

IV. Finding looseleafs. Most law libraries do not have all the looseleaf reporters because there are hundreds. Consider also Westlaw and Lexis. Some looseleafs are available on the internet, but most that are very good are not because they make money on subscriptions. So if they’re available, you still have to pay.

V. Virtually every area of law has a reporter service. There are several covering law alone.

A. Examples:

1. Media Law Reporter
2. Product Liability Law Reporter
3. Criminal Law Reporter
4. Tort Law Reporter
5. Education Law Reporter
6. Family Law Reporter
7. Property Law Reporter
8. Immigration Law Reporter
The Internet and Law-Related Websites

I. Websites. The Internet has hundreds of sites that are designed, to some degree, to provide relevant and up-to-the-minute information about various areas of law. Unfortunately, many of the sites you may find from a browser (like “Law Crawler”) may be of dubious value. This is because anyone can create a legal site and post discussions of cases, statutes, etc. (For e.g., there are 10,000 sites devoted to Paula Jones vs. Bill Clinton. You'll find the case opinions and news articles along with all the jokes, etc.)

A. Websites published by governmental agencies (like the federal and state government), law schools, and law reviews tend to be the most credible.

B. For the latest in researching law on the Internet, check the Internet Law Researcher, a monthly publication (available at Reference) that has the latest websites and features.

C. Browsers that are helpful for web searches: Yahoo, Excite, AltaVista, Northern Lights

D. Good free sites include: Law Journal Extra (ljx.com) and free areas of Counsel Connect (counsel.com), and Find Law (findlaw.com)

   1. Entry ways to the Web versions of Westlaw (westlaw.com) and Lexis-Nexis Exchange (lexis.com). Fedworld (fedworld.com) helps you find sites maintained by federal agencies. Also, Nolo Press (nolo.com).

F. Helpful Sites:

   Statutory Law & Constitutions
   1) Federal: thomas.loc.gov/ (text of bills pending in House and Senate)
   2) California: sen.ca.gov/ (text of bills, bill histories, records of votes pending in California Senate and Assembly)

   Federal Statutory Law
   3) United States Code:
      law.cornell.edu/uscode
      house.gov/law.html
      gpo.ucop.edu/catalog/uscode.html

   Federal Administrative Law
   gpo.gov/ or lawlib.wuaxx.edu/washlaw/doclaw/gposetach.html
   4) California Statutory Law: leginfo.ca.gov/calaw.html
      (full text of Cal Codes not annotated)

   Federal Cases
   U.S. Supreme Court: law.cornell.edu/supct/
   Courts of Appeal: law.vill.edu/Fed-Ct/fedcourt.html
   District Courts: not available for California yet

   California Cases
   Courtinfo.ca.gov/opinions
   Callaw.com

   Government Information
   Federal: fedworld.gov/
   California: state.ca.us/

   Specialty Sites
   Findlaw.com; Lexis-nexis.com or Westlaw.com
HYPOTHETICALS: LEGAL PERIODICALS

1. Bart and his friends are upset because they can’t stay out past midnight because of city curfew preventing juveniles from staying out past midnight. Is the curfew constitutional? (79 Boston Uni. L. Rev. 415) (85 Cornell L. Rev. 518) (34 Gonzaga L. Rev. 267) (27 Hastings Const. L.Q. 775)

2. Local police officer, Mark Furryman, takes a news reporter from “Cops.” While conducting a strip search of Mr. Simpson (for drug possession), the reporter takes out a video camera and records Mr. S. Mr. S decides to sue the police department. Can he do so? (77 Boston U. L. Rev. 825)

3. After Bart receives a D- on a spelling test, Bart says to Miss Crabapple, “You’ll be sorry for this.” Has Bart committed a crime? (33 Cal. Western L. Rev. 219)

4. Bart is very fond of Brittany Abercrombie, a teen model at his school. One day, while Brittany is modeling some swimwear for a school photography class, Bart runs up and kisses her. Can Bart be charged with sexual harassment? (30 Creighton L. Rev. 423)

5. Miss C catches Millhaus with a bent fork that his mother mistakenly put in his lunch box. Principal Skinner expels him. Does he have any recourse to challenge the school’s zero tolerance policy? (31 Creighton L. Rev. 1053) (77 Denver U. L. Rev. 795)

6. Lisa Simpson has just gotten her driver’s license. While driving home, Officer Furryman stops her for going 26 M.P.H. in a 25-mile zone. Lisa is very upset. Furryman arrests her and takes her to jail. Has Furryman acted illegally? (32 Cumberland L. Rev. 265)

7. Mr. Simpson runs for school board. The city requires all candidates to submit to a drug test. Mr. S believes the policy is illegal. Is he correct? (75 Denver L. Rev. 275) (40 Ariz. L. Rev. 73)


9. Lisa Simpson, a high schooler, upset with Principal Skinner’s policies, publishes a newspaper that attacks Skinner. She calls him an “ass, who should be a prison warden, not a school principal.” Skinner ripped the papers from Lisa’s backpack and suspended her from school. Lisa believes the action violates her First Amendment rights. Is she correct? (48 Drake L. Rev. 527) (65 Geo. Wash. L. Rev. 49)

10. During a history lesson, Miss C states that the writers of “our Constitution wanted to treat all persons the same.” Lisa, 16, raised her hand and said, “That’s bullshit, Miss Crabapple, the Constitution didn’t recognize women or African-Americans.” Miss C, taken aback by Lisa’s language, has her suspended for using “vulgarity” in the classroom. Can Miss C do so? (66 Tenn. L. Rev. 597)
11. Lisa has had a diary since she was twelve. Now she is sixteen. After a party a few weeks ago, she wrote in her diary that she used a designer drug. She wrote down that she got the drugs from Veronica, her best friend. An undercover police officer, who saw Lisa at the party, had her arrested for drug dealing. The DA had Lisa's bedroom searched in her home and the police confiscated her diary. We claim that Lisa had an exception of privacy in her diary and that it was unlawful to take her diary and use it against her. Are we going to prevail? (74 Texas L. Rev. 1129)

12. The school district decides to install video cameras in school restrooms (as a means of deterring student violence and drug use). Does the placing the cameras violate the 4th Amendment? (34 New Eng. L. Rev. 527)

13. Miss Crabapple, a teacher in our local school district, recently sent some e-mails to her friend, Selma Simpson. She sent the mail from her office e-mail address. Later she found out that Principal Skinner read the e-mail and was upset because Miss C had criticized him in the mail. She believes Skinner has invaded her privacy. Is she right? (73 N.Y.U. L. Rev. 2064)

14. Miss C suspects that Bart is being abused by his father. This is because Bart often comes to school with bruises and he says they are from his father. In reality, they are from Bart hitting himself. Principal Skinner tells her to report the acts to the police or she could get sued. Is he correct? (26 N. Ky. L. Rev. 43)

15. Principal Skinner, as part of the war on drugs, weapons and terrorism, adopts a policy requiring mandatory strip searches in school. Lisa Simpson claims that this is the last straw and wants to go to the court to challenge the policy. Is the policy legal? (70 S. Cal. L. Rev. 921)
(42 St. Louis U. L. J. 1389)

16. Bart, 13, goes to the public library. While a librarian is away, he runs to the computers and accesses the Internet and checks out the adult websites. The library has no filtering software to prevent such access, and minors are generally allowed to use the Internet without constant supervision. Mrs. Simpson is upset and contends the library is liable for negligence or something. Is she correct? (30 St. Mary's L. J. 549)

17. Rather than install more metal detectors to find guns, the local school district installs a new system, which can see through clothes. Bart is the first person to assist school security guard, Sam Sleaze, in monitoring female students as they walk through the device. Students object to the x-ray vision and Bart's presence. Does the practice violate the 4th Amendment? (69 Temple L. Rev. 1)

18. As a candidate for school board, Mr. Simpson attends his first meeting. He is upset because the school board says a prayer before each meeting. Mr. Simpson wouldn't be so upset if the religion professed by the board was his own; but it's not. He wants to know if the practice violates the Constitution. (145 U. Pa. L. Rev. 1035)

19. Assume that Samantha Simpson, 18, is on the track team at SDSU. She must submit to drug tests, which require her to provide a urine sample in the presence of a female monitor. Is this practice legal? (45 U. Kan. L. Rev. 301)

20. The local school district will not allow students at the school to receive education related to sexually transmitted diseases. Lisa contends that the students have a right and a need to receive the information, while Jacob Flanders, Lisa's friend at school, contends having to receive the lessons in a school setting would violate his right to privacy. Who's right? (2 U. Pa. J. Const. L. 223)
21. Principal Skinner installs video cameras all throughout the school. Bart and his friends are upset because they can’t go “anywhere without being seen by security.” That’s fine with Principal Skinner. Bart contends the practice violates his right to privacy. Is he right? (31 Val. U. L. Rev. 1079)

22. A school district decides to drug test all students in all activities, including students who drive to school. Is the practice lawful? (53 Vand. L. Rev. 387)

23. A youth leader in a Bible Study at school, he’s 17, is concerned because a female student confessed to him that her father has sexually abused her. Is he required to report this? (38 Washburn L.J. 747)

24. While at college, Samantha, 18, is on the school track team. One of the star runners, Tom Brady, is a senior, who has, in the past, been charge by several women with attacking them. The DA never filed charges, though police arrested Tom twice. Samantha was attacked recently and wants to know if the college is liable for the attack against her. (55 Wash. & Lee L. Rev. 55)

25. As a condition for playing sports, or any activity, the school district now requires students to submit to an HIV test. Milhaus, a student at the high school, has HIV and does not want to take the test, but he also wants to be on the Academic Team. His parents see no reason why he could pose a threat to anyone. He does not want to voluntarily take an HIV test. Does he have to? (86 Cal. L. Rev. 119)

26. Lisa Simpson, 16, wants to get her tongue pierced. Her mother will not consent to the procedure. Lisa wants to know if she is likely to prevail in a suit against her mother, whereby she can seek her mother’s consent to the procedure. (64 Fordham L. Rev. 2075)

27. A local school district has no reason to believe that a student “may” be planning on bringing anthrax to school and using it to infect teachers and students. As a result of a hunch, school officials require that all students, upon entering school, be subject to a strip search, performed by poison control officials, outfitted in masks and uniforms to prevent exposure. (24 Harv. J.L. & Pub. Pol'y 417)

28. A local school district refuses to allow parents and others to address the board on matters relating to school drug testing. Is the practice lawful? (52 Hastings L. J. 1265)

29. Bart and his girlfriend, both of whom are 14, are arrested and charged with the statutory rape of each other. Can they be convicted of such a crime? (51 Hastings L. J. 1265)

30. Bart would like to take steroids in order to be a stronger bigger athlete in high school. Mr. Simpson tells Bart’s doctor that Bart needs the drugs. Can the doctor prescribe the meds for Bart? (13 J. L. & Health 141)

31. A local drug dealer sold some “X” to a student at a high school. The student overdosed on the drug and died. (30 Rutgers L. J. 513)

32. In order to provide a better study environment, free of distractions, a local school district decides to divide its schools into single-sex schools. Monica Geller, a student at the high school, who likes being around boys, objects to the plan and wants to file an action to prevent it. Does she have a basis for the claim? (96 Nw. U. L. Rev. 367)
33. A teenage girl is pregnant and plans to have her baby at a local hospital. The girl does use marijuana and some designer drugs. She’s worried that she will be arrested because the hospital drug tests pregnant women and turns the results over to police. Is the policy legal? (28 S.U. L. Rev. 187) (53 Stanford L. Rev. 491)

34. Miss Crabapple is Bart’s elementary school teacher. She recently broke her finger while at work and claims that she cannot work now because of her disability. School counsel has asked you to research whether Miss C is “disabled” and therefore unable to work. (32 J. L. & Educ. 1)

35. Springfield Elementary School has experienced a rash of crimes at school, mostly involving students who have stolen money from student lockers and desks. The school board orders school security guards to strip search students they suspect of stealing money. As school counsel, please research whether the policy is lawful. (22 J. Juvenile L. 40)

36. Bart and his girlfriend, Melissa, are both 16 and Principal Skinner found them in a classroom engaged in sexual intercourse. School police arrested the two and charged them with a statute making it a crime for minors to have sex with anyone. School police have asked us to determine whether the statute is likely to be upheld. (21 J. Juvenile L. 40)

37. Miss Crabapple, when asked by a student in her social studies class if she was married, replied, “No, I’m a lesbian and I can’t marry my partner.” Based upon that, the student told other students and parents and the local school board has fired Miss C. Is it likely that the school board’s action is lawful? (3 Geo. J. Gender & L. 525)

38. Springfield School District promotes the advantages of attending school in the district. It has a website and several brochures all featuring students who are thin or otherwise not overweight. Lisa, who is about 20 pounds overweight, claims that the advertising shows a preference for thin students and she wants to sue to harassment/discrimination based upon weight. As counsel for Lisa, does she have a claim? (116 Harv. L. Rev. 1185)

39. Bart is in college and develops a website called “HotBabesofUSD.COM.” USD is upset because Bart has used the school’s name/initials without permission. Bart claims that USD doesn’t even relate to the University of South Dakota, where he attends school. Does USD have a claim against Bart for use of its name? (40 San Diego L. R. 341)

40. Lisa is in high school and takes the SAT and she discovers that females perform a few points lower than males. Lisa claims that SAT is discriminatory because the results have a disparate impact on females. She wants to sue for gender bias. Does she likely have a claim? (43 Santa Clara L. Rev. 131)

41. Bart gets a pair of glasses and his peers tease him about the glasses, calling him names and taking his glasses away from him. Bart tells his coach and the coach tells him to “grow up and take it like a man.” Can Bart sue the district for disability harassment? (Summer 2002 School Law Bulletin pg. 1)
42. Mr. Simpson attends University of San Diego School of Law. The law school decides to expel Mr. S when he came into class one day. Mr. S claims the expulsion is unfair and that he should have been given a hearing before the expulsion. But the school claims that it is not bound to the Constitution and does not have to give its students any due process rights. Mr. S claims that the law school, because it certifies students for the state bar exams, is performing a state function and therefore must comply with the Constitution and give him a hearing. Is he right? (69 Tenn. L. Rev. 521)

43. Bart is a trouble-maker at his school and, upon exam by the school psychiatrist, she determines that Bart should be confined to a state facility for mentally-troubled teens. Bart claims he has committed no crime, is not a danger to himself or others. Is Bart entitled to any say before he is carted away? (54 Hastings L. J. 493)

44. Two boys continually bet up Bart during and after school. Bart’s parents call the police and report the boys for child abuse of Bart. The police tell Bart’s parents that it’s not possible for a child to abuse another child. Is this correct? (25 Hamline L. Rev. 47)

45. While playing baseball at school, Bart hits a ball out of the playground and the ball hits and kills a neighbor’s dog. The dog, which has been in the family for five years, is a mixed breed. School counsel tells the neighbor that, even if the school has liability for Bart’s actions, the dog is worthless and the neighbor is not entitled to anything more than the market value of the dog, which is nothing. Is the school counsel correct? (86 Marq. L. Rev. 47)
Legal Articles Worksheet

What # Problem do you have ____________________________

What is the cite given for your question? ____________________________

What is the name of the publication you referred to?

What is the title of the article you found?

What is the full name of the author who wrote the article?

Does the article indicate (usually first footnote) who the author is? Is the author a law student? Is your article referred to as a “Note” or “Comment”?

On what page does the article begin?

What is the date of publication of the article?

Read the first few paragraphs at the beginning of the article. What is the author’s thesis? Does the author argue for some change in the law? If so, what is it?

Does the author cite authority in footnotes? If so, indicate:
- a case from California (Cal.) cite
- a statute from California (Cal. Educ. Code) cite
- a case from the U.S. Supreme Court (U.S.)
- a case from a federal court (F.2d or F.3d)
- a law review article
(Note: You may not find any of these above, but look and report.)
- did you notice whether, following a case cite, did the author provide a parenthetical explanation of the case?

Answering the question presented in your problem, please provide (on the back page) a summary of the article. Specifically, what is the language of the article that relates to the problem presented in your problem? Based upon what you’ve learned from the article, please answer the question presented in your problem. Do you agree with the author’s point of view? (See Example)

On what specific page(s) does this language appear?

Is there a supplement in the back of your book? (Shouldn’t be)

Did you try to Shepardize your article to see if it’s been cited in any other sources?
Example of Summary of Law Article/Legal Periodical

Problem #165
(Bart and Lisa are both in a public high school. Bart wants to try out for the girls’ field hockey team. Lisa wants to try out for the boys’ wrestling team. There isn’t a boys’ field hockey team and there isn’t girls’ wrestling team. The school district will not allow either to try out. As school counsel, how will you handle claims of gender bias?)

Key Language: (Appears on pages 1655-1665)

The author traces the history of gender bias in education, with a specific focus on court challenges because of gender bias. The author noted that “[s]ince 1971, the Supreme Court has consistently affirmed that gender based classifications may not be used, as they once were . . . to create or perpetuate the legal, social, and economic inferiority of women.” In a footnote, she cited U.S. v. Virginia, 518 U.S. 521, 534 (1996) (striking down the longstanding policy of the Citadel to deny women admission into the state-run military academy).

She discussed Title IX, also known as Title 20 United States Code section 1681. It is a federal statute that prohibits schools from engaging in gender bias, including athletics. For non-contact sports, institutions that are covered must allow members of an excluded sex to try out for single-sex teams. Brenden v. Ind. School Dist., 477 F.2d 1292 (8th Cir. 1976). There, female high school students wanted to try out for the boy’s cross-country skiing and tennis teams. The school district refused. The court held that the rule prohibiting girls from trying out for the boys’ teams was unconstitutional. The court reasoned that it was arbitrary to exclude the girls from trying out for the team because of their gender. The court found this violated both the Constitution and the federal statute making it illegal for schools to engage in gender bias.

As the author notes, federal law does not require schools to allow girls to try out for boys’ contact sports teams, like football and wrestling. It does not require schools to allow boys to try out for girls’ contact sports. She discussed a case where John Williams tried to play intramural coeducational field hockey, but his high school only offered a girls’ field hockey team. John tried out, earned a tentative position and was issued a uniform. School officials found out and told him he couldn’t play because of his gender. The court upheld the rules because it was not arbitrary to prevent boys from playing on contact sport teams for girls. This is because girls have historically been denied opportunities to play sports. Boys would most likely, said the court, earn spots on these teams in greater numbers than girls and then girls would be no better off then before passage of Title IX. So the court found that the state can have a compelling reason to discriminate against boys in order to provide fairness and balance in sports. Williams v. School District of Bethlehem, 998 F.2d 168, 170-174 (2d Cir. 1985).

However, she spoke at length about a landmark case that held once a school does allow a girl to try out for a team for boys, and she makes the team, the institution is subject to the anti/discrimination clause (Title IX). Mercer v. Duke Univ., 10 F.3d 33, 35 (5th Cir. 2001) (finding Duke University engaged in bias when a girl (kicker) made the Duke football team, but then the coach refused to use her because of her gender).

The author argues that there shouldn’t be a contact sports exception as applied to girls trying out for boys’ contact sports. This is especially true for football and wrestling, where it’s very likely a school does not offer those sports for girls.

Application to Bart & Lisa’s Problem

As the law currently, under Equal Protection Clause of the Constitution and Title IX, the school can prevent Bart from trying out for the girls’ field hockey team. And, based upon “contact sports” exception to Title IX, the school can prevent Lisa from trying out for the boys’ wrestling team. The author notes that some states provide different rule under state law, but I don’t know what the law is in California.

Cite: Abigail Crouse, Equal Athletic Opportunity: An Analysis of Mercer v. Duke University and a Proposal to Amend the Contact Sport Exception to Title IX, 84 Minn. L. Rev. 1655 (2002).
Part II of Law Articles Assignment

Once you have completed the first part of the assignment, now go to LegalTrac (on Sally). Use the same problem you just did. Now, develop some key finder words you can use to perform a search on LegalTrac. If the terminals are busy, use the ones elsewhere in the library, or use the Index to Legal Periodicals, the Current Law Index, or the Current Index to Legal Periodicals. These are located behind the Reference Desk.

What are the key finder words you used? (Things, Actions, Parties)

How many articles did the computer show you that relate to your issue? If none, try other words. You may not find any articles that relate to your issue. If that's so, expand your finder words and look for articles that you think might have some bearing on your question. The article you find does not have to be exactly on point. And it's possible that you were referred to other articles in the article you just read. But we'd like to find another article using LegalTrack.

Assuming you found a cite to some articles, list at least one article below that you found:

Now, look for the publication in the library (remember, it may be in the Reserve Room). Note that articles in bar journals and legal newspapers (like National Law Journal, LA Daily Journal) are generally not available in hard copy. Try to find articles in Law Reviews or Law Journals.

Provide the following for the article you found:

Name of Publication
Volume #
Title of Article
Name of the Author
Date of Publication
Page # where article begins
Please provide a summary of the language from the article that relates to your issue.
SECTION F

LEGAL CITATION FORM
Citation Hypotheticals

To: Paralegal Clusters  
From: Attorney

I'm preparing a brief for the court on the latest Bart Simpson matter. The school has suspended Bart for creating and posting a cartoon of his principal. The principal's face is digitized and replaces the face of Osama Ben-Laden. Here are some of the authorities I will be citing to the court. Working in your cluster, please find these authorities and write them in the proper cite form for the court. Please use the ALWD Guide to prepare your cites.

When you complete your first citation, put the final cite on the plastic transparency provided by your instructor. Then, proceed to the next citation on this assignment list. Be sure to write down all the cites correctly and try to do as many as you can.

1. Tinker vs. the Des Moines Independent Community School District, 393 United States Reports pr. 503. I'm specifically citing to page 509, wherein it states, "In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."

2. I'm going to cite another case from the 2nd Circuit Court of Appeals, Thomas v. The Board of Education. 607 Federal Reporter 2nd Series, begins on page 1043. I'm citing on page 1051. Case was decided on 1979.

3. A federal case I need to cite and look up is, at 30 Federal Supplement, Second Series, at page 1175. I think it's from the Eastern District Court of Mississippi, from 1998. Do you know the name of this case and can you cite it for me?


5. I found this great law review article in the New York University Law Review. It's Vol. 62 and the article begins on page 497. I specifically cite to page 504. You'll need the author's name and the date of publication.

6. I visited a website on student harassment of other students. The Web site from the Department of Education, Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by Employees, Other Students, or Third Parties, and I visited on September 30, 2001. Here is the cite, I think:

   www.ed.gov/offices/OCR/sexhar00.html

7. In researching in the California Codes, I found an Education Code section at 48907. I found it in West's California Annotated Codes, but I didn't write down the date. Could you cite this correctly for me?
8. I found a case in California, from the California Court of Appeal dealing with student newspapers. It's at 243 Cal. Reporter at 494, and also at 198 Cal. App.3d at 48 (1988). I think it's Leeb v. Delong. Please cite this case for me?

9. In West's California Annotated Codes, I found that Education Code § 48900 was amended and the amended version is in the pocket part. Can you cite this for me?

10. I'm also going to cite In re Michael Gossage. This is a California Supreme Court case, reported in 23 California Reports, page 1080. I'm citing directly to pages 1094-1095. It's also reported in 5 P.3d 186 and also 99 Cal. Reporter 2d at 130. You should cite this case correctly, and if possible, give pinpoint cites.


12. I'm citing 8ALR 3rd 612

13. 42 Am Jur 2d Infaats sec. 150


15. The Restatement Second of Torts Section 461
SECTION G
LEGAL DIGESTS
Digests

Names of Persons in this Cluster:

You must complete at least five of the following questions in this exercise.

In your cluster, please find the answers to the following questions.

1. Using West Pacific Digest (Beginning 585 P. 2d) [Green books, Gold trim, KF 135 P.21. P.345]. Your attorney believes there is a case from the Alaska Supreme Court dealing with the ability of parents of a 17-year-old child to control his violent behavior. The court provided a test for determining liability. What is the case? What test was developed?

Under Idaho law, do grandparents incur liability for a grandchild’s acts?

2. Using West’s North Western Digest 2d (1932 to present) [Red books, Gold trim, KF 135], under the Topic of “Schools,” Bart’s school has adopted a rule that requires students to be expelled or suspended when the students injures a school employee who tries to break up a fight. Is there a 2001 case from Nebraska on this issue?

3. Using West’s Atlantic Digest 2d [KF 135, Red books, Gold trim]. Under the Topic of “Charities,” find a 2001 case from New Jersey that deals with whether a nonprofit charity can be held liable for negligence when it rented out its facility to a private group.

4. Using West’s Federal Practice Digest 4th Series (Dark Blue books, KF 127). Bart has joined a fraternity at Penn State. The fraternity has been suspended by the school because its members are all drug users. The fraternity claims that it is protected by the First Amendment right of association from state action like this. Using the topic of “Colleges and Universities,” find a 1999 case that discusses whether the fraternity has a viable defense.

5. Using West’s Eleventh Decennial Digest (KF 141). Under the topic of “Civil Right,” #150. Ms Crabapple has been unable to pass the CBEST test for here teacher certification. She contends that the test has a discriminatory impact on female applicants. Please find a case that discusses this issue.

6. Using West’s 9th Decennial Pt 2, looking under Damages #49.10, can you find a California case that allows a parent to recover for emotional distress related to being deprived of a child?

7. Using West’s 9th Decennial Pt 2, looking under Dead Bodies #9, is there a California case that allows a long-time companion to bring an action for breach of contract against a mortuary for mishandling the remains of a loved one?

8. Using West’s California Digest 2d, assume that a sorority has a pet peacock as a school mascot. Neighbors complain that the peacock draws visitors and is otherwise nuisance. Please find a case that deals with whether keeping a domestic animal can be considered a nuisance. Look for Animals #4, 13, 27, 31, or 47 or Nuisances 10.5, 12, 15-16, 20, 84, 91, 125,127.

9. Using the West’s California State Digests, under Damages 49, 49.10, 51, 56.20, 149 and 161, can you find a case where a mother recovered for emotional distress after witnessing her daughter being injured in an accident?
10. Using Vol. 19 of West’s General Digests, 9th Series, look for Parent & Child #13. Is there a case from NY involving a mall management company that sought to bring a negligent supervision claim against a parent for failing to warn about her child’s dangerous propensities?

11. Using Vol. 7 of West’s General Digests, 10th Series, looking at Parent & Child #11, is the parent-child tort immunity doctrine alive in Illinois? If so, what is the rationale for the continuing force of the doctrine? Does the doctrine prevent a mother from suing her deceased son’s estate?

12. Using the Supreme Court Digest, Table of Cases, can you find the citation for Roe v. Wade?

13. Using the Federal Practice Digest 4th Series, can you find any copyright cases discussing what constitutes “fair use” to a copyright infringement claim?

14. Using the California Digest of Official Reports, can you find a case that discusses the right to privacy under the California Constitution?

15. Using the California State Digest (West’s, Green books), using the “Words & Phrases” section, can you find a case defining the term “injury”?
SECTION H

SHEPARD'S CITATION
Shepard's Exercises

Please complete a minimum of 5 of the following questions.

1. Please update "Plessy v. Ferguson." Shepardize the case using "United States" Shepard's. The cite is 163 U.S. 537. Has this case been "overruled" or "questioned?" Is it still cited?

2. Please update "Roe v. Wade." Shepardize the case using the "Supreme Court Reporter" Shepard's. Has Roe been "overruled" or "criticized" by the U.S. Supreme Court? Your cite is 93 S. Ct. 705.

3. Please update "Miranda v. Arizona." You should update the case using the "Lawyer's Edition" Shepard's Citations. Has this case been "overruled" by the U.S. Supreme Court? Your cite is 16 L. Ed. 2d 694.

4. Using the South Western Shepard's, what is the name of the case at 46 S. W. 3d and have any cases followed it and why?

5. Using the Atlantic Shepard's, is 775 A. 2d 859 being cited in any dissenting opinions? If so, why?

6. Using the Pacific Shepard's, what is the name of the case 27 P. 3d 222 and has it been criticized by any cases? If so, what case, and why?

7. Using the South Eastern Shepard's, what is the name of the case at 549 S.E. 2d 474? What is the parallel cite for this case?

8. Using the Southern Shepard's, what case is reported at 785 S. 2d 1? What court decided this case and is it being cited by any other cases?

9. Using the North Eastern Shepard's, what case is reported at 763 N.E. 2d 979? Has it been cited recently? If so, why?

10. Using the North Western Shepard's, what case is reported at 629 N.W. 2d 768? When was it last cited?

11. Using the Federal Shepard's Citations (for the Federal Reporter), what case is reported at 477 F. 2d 1292? Has the case been "overruled" by any other cases?

12. Using the Federal Shepard's Citations (for the Federal Supplement), what case is reported at 342 F. Supp. 1224? Has this case been affirmed by a higher court?

13. Using California Reporter Shepard's (next to Cal Reporter, see Advance Sheets at end of Cal. Reporter). What case is reported at 232 Cal. Reporter 634? What is the parallel cite for the case? Has it been "distinguished" by any cases? If so, what case?
SECTION I

FEDERAL STATUTES
Federal Statutes

In your cluster, you should look up the following statute(s). Try to do at least 5 of them. At the end of each question, you are given a suggested Title and Section # to look at. You may use USCA, USCS, or U.S.C. (though the latter will not have cases in it).

1. Bart wants to start a political group on campus in support of Osama Ben-Laden. Can his public school deny him the right to use the school after school, assuming it allows other groups to use the school campus? See Title 20 § 4071? Is there a case that supports the right of political and/or religious groups to meet on campus?

2. Ms. Crabapple makes Bart stand up and reveal his test scores on spelling tests. Is this a violation of federal law? See 20 U.S.C.S. 1232g. Is there a case that discusses this issue?

3. Bart accesses the Internet at school and immediately finds the adult websites. By allowing a minor access to the site, is the site liable for a crime? See 18 USC 1462, 1465. Does the website operator have to take measures to ensure that minors do not access its site?

4. Assume Bart has his own website and he sends digitized photos of girls at school to his friends. In the photos, Bart places the girls’ heads atop nude adult models. Has Bart transmitted child pornography? 47§ 230.

5. Mr. Simpson runs for the school board. The high school radio station interviews his opponent. Can Mr. Simpson demand equal time to respond? 47§ 315 note. Is the law any different if the interview was done on the school’s website, and not broadcast on radio or television?

6. Bart uses the internet to make harassing messages to girls at his school. Has Bart committed a crime under 47 USCS §223?

7. Bart listens to favorite shock jock, Howard Sternspike. Howard frequently makes jokes about “farts.” Has Howard violated 18 USCS 1464? Case?

8. Does a cable television system have more flexibility with adult material than a public television network like CBS? See 18 USCS 1468 and 47 USCS 559.

9. Mrs. Simpson is verbally harassed by Mr. Simpson. Can she use the Domestic Violence Hotline? 42 USC 10416?

10. Bart has a cell phone and uses it to call 9-1-1. Must wireless carrier provide 9-1-1 service free of charge? 47 § 615 to 615b.

11. Maggie, the eight year old child of the Simpson’s, chew off the arms of a doll. Has the manufacturer violated 15 § 1261, or 1274. What is the name of this statute? Any cases?

12. Mr. Simpson makes toys in his woodshop. He uses lead-based paints for the toys. Has he committed a federal crime? 42 USCS 4831?

13. Mr. Simpson requires Bart to mow the lawn and clean the garage every week. Bart claims that this violates 19 USCA 2464, 2467, AND 1307. Is he correct?

14. Mrs. Simpson receives a mailing from Victoria’s Secret. She’s offended. Has Victoria’s violated 39 USCA 3010 note?
Federal Legislative Worksheet

Using USCS or USCS, answer the following questions for your first question.

1. What is the problem #.

2. What statute did you look up? Title __________________ Section ___________.

3. Does the "plain meaning" of the statute answer your question? If so, how?

4. Your statute is part of what public law? (Look at the end of statute for something like "PL 107-110.")

5. Where is your statute in the United States Statutes at Large? ("84 Statutes 325.")

6. Was your statute part of a broader public law and thus is part a Title and Section? (See "Title IX, sec. 901.")

7. For "historical notes," are there any references to legislative history sources, like "United States Code Congressional & Administrative News?"

8. Are there any references to administrative regulations? If so, what? ("34 C.F.R. Part 84.6.") (Look under Administrative Regulations.)

9. Are there any cases that have interpreted and applied your statute? (If so, what cases) Be sure to check the pocket part and then go on-line to see if the statute has been cited recently in any recent cases from the federal or state courts.

10. Using the cite to U.S. Statutes at Large, your statute was part of what public law? (Look up the public law) (e.g., "No Child Left Behind Act of 2001.")

11. Using the cite to USCAAN, what does the legislative history suggest about your statute?
SECTION J

STATUTORY INTERPRETATION HYPOTHETICALS
§51. Unruh Civil Rights Act; equal rights; business establishments; violation

(a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, or medical condition are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

(c) This section shall not construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, or medical condition.

(d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses to other laws.

(e) For purposes of this section:

(1) "Disability* means any mental or physical disability as defined in Section 12926 of the Government Code.

(2) "Medical condition* has the same meaning as defined in subdivision (b) of Section 12926 the Government Code.

(f) A violation of the right of any individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

CREDIT(S)

1982 Main Volume

(Added by stats. 1905, c 413, p 553, § 1. Amended by Stats.1919, c. 210 p. 309, § 1; Stats1923, c 235, p. 485, § 1; Stats.1959, c. 1866, p. 4424, § 1; Stats.1961, c 1187, p. 2920, § 1; Stats.1974, c. 1193, p. 2568,

2002 Electronic Update

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Statutory Interpretation Hypos

Each of you has been assigned a problem from below. You are looking at cases from California courts that have interpreted § 51 of the California Civil Code. Your task here is to see how that Code section has been interpreted by the courts. The case you are referred to is located in California Reporter, or California Reporter, Second Series (2d). You will want to read the case and find the court ruling. The attached worksheet asks some specific questions about the case you’re looking at.

1. Bart Simpson (16) wants to use the Girl’s Club swimming pool, which is across the street from his home. But the club says he can’t because he’s a boy. Does § 51 apply? 219 Cal Reporter 150?

2. Papu, who is from India, is treated rudely by airline employees when he boards a plane. In fact, they tell him to leave the plane because he looks like a “terrorists.” Does § 51 apply? 281 CR 150? Does federal law pre-empt the state law?

3. Bart would like to join the Boy Scouts, but the group refuses him membership because he’s an atheist. Is the BSA a “business establishment” within the meaning of § 51? 72 CR2d 453?

4. Grandpa Simpson gets a discount at the local movie theatre. Mr. Simpson also wants one, but he’s refused. Is age bias precluded by § 51? If not, why not? 278 CR 543?

5. A commercial office building refuses to lease property to Mrs. Simpson because she’s a paralegal. Can the office landlord show bias based on her profession? 30 CR2d 706?

6. Mr. Simpson wants to erect a large statue of his mother atop her grave. The cemetery prohibits portraits or statues. Mr. Simpson says this violates his right to expression. Is he right? 282 CR 263?

7. Mr. Simpson insists on smoking his cigar at a local outdoor restaurant. A patron insists that the restaurant make Mr. S put out his cigar, which he refuses to do. The man sues the restaurant saying that the store shows bias against non-smokers. Is he right? 49 CR2d 719?

8. The Simpson’s moved into an apartment building. But the building does not allow kids to use a swimming pool, but it does allow its other “adult” tenants to use the pool. Does § 51 prevent bias against families with children? 24 F. Supp. 2d 1052?

9. Mrs. Simpson gets her car washed on Tuesday because it’s “Ladies Day” and she gets her wash for half-price. Mr. Simpson cannot get his car washed for the same price. Is this gender bias? 219 CR 133.

10. Lisa Simpson is harassed at school by boys who say she’s a lesbian because she’s on the boys’ wrestling team. Is the school a business establishment within the meaning of § 51? 964 F. Supp. 1369.

11. Upon turning 18, Lisa went to rent a car from a rental car agency. But she learned that the agency charges much higher rates for those under 25. Can Lisa argue age bias? 82 CR2d 368.

12. A restaurant requires Mr. S, but NOT Mrs. S to wear a tie. Mr. S says this is gender bias because he doesn’t want to wear a tie. Is he right? 140 CR 555.
13. A restaurant refuses to serve Mrs. S’s sister, Selma, because the waiter believes Selma is a lesbian. Is this bias allowed under § 51? 200 CR 217.

14. Mrs. Simpson asks a local gaming casino to bar Mr. S from gambling there because of his gambling problems. They agree and Mr. S is barred from gambling there. Has the casino engaged in bias? 168 CR 789.

15. In the new apt. bldg. the Simpson’s plan to move to, the apartment house, which consists of only two units, refuses to rent to anyone with children. Is this bias legal? 180 CR 496.

16. A local store sells groceries and adult magazines that are regularly over-the-counter at other stores. Can the store refuse Bart admittance? 181 CR 33.

17. To meet some women, Homer and pal go to “Chippendales,” which features male exotic dancers. The club has “women only” policy so that men don’t have to distract them. But Mr. S says that’s illegal bias. Right? 190 CR 678.

18. To protest rent increases in San Diego, and an increase by his landlord, Mr. S organizes a tenants’ group to protest the hikes. He is evicted in retaliation. Can he sue under § 51? 131 CR 547.

19. Mrs. Simpson wants to join the local Rotary Club, but the Club does not allow women to join. Mrs. Simpson is upset because many of her business associates (males) are members of the Club and she cannot talk “business” with them. Does the Club violate § 51? See 224 CR 213.

20. Mrs. Simpson has started a club to promote the dangers of drunk driving. Some individuals want to join the club, but Mrs. Simpson doesn’t want to admit them and refuses to do so. They sue. Does the club have to accept them as members without violating § 51? 46 CR 833?

21. Grandpa Simpson went to dinner with his family, but was unable to use the restroom at the restaurant because it on the second floor and Grandpa Simpson must use wheelchair. He was also not permitted to use the first floor restroom, which was available to employees. Has the restaurant discriminated against him in violation of § 51? 74 CR2d 684?

22. Mrs. Simpson wanted to advertise her paralegal business in the “Islamic” yellow pages, a publication of local Islamic religious groups. They refused her because Mrs. Simpson is not Islamic. Can they refuse to do so? 206 CR 866?

23. The Simpson’s purchase a condo and then discover that the condo association, in its “rules” prevents persons from living in the complex if the owners have children. Does this practice violate § 51? 191 CR 320?

24. After Bart joins a youth gang and then later quits, the Simpson’s start a club dedicated to preventing kids from joining youth gangs. Two current gang members try to join the club to tell members the benefits of youth gang activity. The Simpson’s try to prevent their entry. Can they do so without violating § 51? 16 CR2d 705?
Statutory Interpretation Hypo Worksheet

Please answer the following questions.

1. Which problem where you assigned? ________________________________

2. What is the name of the case you were assigned to read? ______________

3. When was the case decided? _______________________________________

4. Which court decided the case? ______________________________________

5. What was the underlying dispute in the case you were assigned? In other words, why was the plaintiff suing? Was the plaintiff denied something? And, if so, on what basis was the plaintiff denied to service?

6. Did the plaintiff argue that the plain meaning of § 51 supported his or her claim? And if so, how?

7. Did the defendant argue that the plain meaning of § 51 supported his or her defense? And if so, how?

8. How did the court discuss the "plain meaning" argument of § 51?

9. Did the plaintiff or defendants argue the "legislative history" or "legislative intent" behind wording of § 51. If so, where were the arguments?

10. Which "words" of § 51 were involved in your case (i.e., the list of categories, or the meaning of "business establishments of every kind whatsoever")?

11. How did the court resolve the dispute between your parties? In other words, what did the court hold?

12. How do you think a court would rule in a case as presented in your problem?
SECTION K
LEGAL RESEARCH HANDBOOK
Principles of Legal Writing

Directions: Using the summary of the Client interview you prepared in the Simpson case, or some other piece of unedited writing, please review the writing sample. For each of the questions below, you will try to find an example from your summary that violates one of the principles of good legal writing. You will write that sentence that violates the rule. Then, below, you will re-write that same sentence without violating any of the rules of good legal writing. To receive full credit, you must identify a sentence that violates the rule, and then must re-write the sentence without violating the rule (of any of the other ones).

Question 1. Find a sentence that is too long. (See example below)

Re-write the sentence below:

Mrs. Simpson came to our office for her clients interview and she told me about her problems with her son, Bart, who is a student at La Jolla High School and who was accused by his principal of damaging the boys' bathroom at his school, though Bart denies such involvement.

Re-write the sentence without violating any of the rules of good legal writing.

I interviewed Mrs. Simpson about her son, Bart. He is a student of La Jolla High School. Recently, the principal accused Bart of exploding firecrackers in the boys' restroom.

1. A. Reproduce here the sentence that is too long:

   Mrs. Simpson came to our office for her clients interview and she told me about her problems with her son, Bart, who is a student at La Jolla High School and who was accused by his principal of damaging the boys' bathroom at his school, though Bart denies such involvement.

1. B. Re-write the new sentence without violating any of the rules of good legal writing:

   I interviewed Mrs. Simpson about her son, Bart. He is a student of La Jolla High School. Recently, the principal accused Bart of exploding firecrackers in the boys' restroom.

2. A. Find an example from your summary that contains passive voice. For clarity, please highlight the passive construction.

2. B. Re-write the sentence without the passive construction. Please do not violate the other rules of good legal writing.

3. A. Find an example from your summary that contains a nominalization. For clarity, please highlight the verb-based noun:
3. B. Re-write the sentence without the nominalization and without violating any of the principles of good legal writing.

4. A. Find an example from your summary of a sentence that contain too many words.

4. B. Re-write the sentence eliminating the excess words, and be sure the sentence does not violate any principles of good legal writing.

5. A. Find an example from your summary of an abstract word. It may be a term that is not as specific as it could be. Please highlight the term.

5. B. Re-write the sentence using a term that is more concrete. Do not violate the other principles of good legal writing.
Directions: Please identify the most relevant encyclopedia section(s) that relate to the following questions. If there are more topics and sections that apply, list them.

Example:

Our client would like to know if there exists any basis to hold a parent civilly liable for the intentional acts of a minor child.

Answer:


1. Our client is Peter Peterson, a photographer. Much of Peter's work has appeared in tabloid publications: A few weeks ago, Peter saw Debbie Moore, a famous movie actress. He saw Debbie as she was leaving a hair salon. Peter quickly flashed a photo of Debbie. Now Debbie has brought an action against Peter for merely taking her unauthorized photograph. Debbie believes this is an invasion of her privacy.


2. Our client is Western Data Inc. The company has a policy of giving its employees breaks during the day. However, it allows female employees 2 fifteen minute breaks per day, while only allowing male employees 1 fifteen minute break. The company wants to know whether this practice constitutes discrimination.


3. Our client is Betty Forde. Betty is 100 years old. In fact, no one really knows her age for sure. Betty's grandson, Walter has been trying to have himself appointed as Betty's guardian. He also tried to have himself appointed as a conservator. Betty feels that she can manage her financial affairs just fine. She would like to know whether her old age alone can be a basis for having someone appointed as her guardian or conservator.


4. Our client is Gomer Pyle. Gomer recently enlisted in the U.S. Marines. When he enlisted, the Marines gave him regulations concerning his hair grooming. He noted that the regulations allow female personnel considerably longer hair than males. Is the regulation valid?

5. Our client is Monica Lewis. Recently Monica discovered that her best friend, Linda Troop, had been tape-recording their conversation while they lunched at restaurants. Linda claims that her taping was legal, even under the Penal Code, because the tapes were made in public. Is she correct?

Witkin, California Evidence 4th (Reserve Room)

6. Our client is Monica Lewis. The DA has charged Monica with perjury. In her criminal trial, the DA plans to call Monica’s live-in boyfriend, Otis. Otis claims he can’t be compelled to testify because he’s just like Monica’s spouse and therefore is protected by the spousal privilege. Is he correct?

7. Our client is Paula Paralegal, who recently completed paralegal training. One of Paula’s friends asked her to help evict a tenant. Paula agreed to draft an eviction notice for the landlord and explained to the landlord the procedures for evicting a tenant. “I learned all this in my Real Estate class.” When Paula went to Superior Court to watch the landlord appear before a judge on the lawful detainer matter, the Judge asked if Paula had prepared the notice and the complaint. She replied that she had. The Judge charged Paula with “unauthorized practice of law.” Has Paula violated the law?

California Jurisprudence 3d (California Room, 1st floor)

8. Our client is Carol Brent. Carol is a paralegal student and was running late for her morning legal research class. She knew how much her instructor disliked late arrivals. So she dashed to the elevator in her building. She noted that the doors were open, so she went flying into the elevator. Unfortunately, the doors were open, but the elevator car was not there and Carol fell down the elevator shaft. Can she bring an action against her landlord or elevator manufacturer for negligence?

9. Our client is Floyd’s Barber Shop. While giving his favorite client, Vincent, a haircut, Floyd accidentally cut off Vincent’s ear. Can Floyd be sued for negligence?
Assignment #3
University of San Diego, Paralegal Program

Name: Sec. A/B Seat

American Law Reports & Legal Periodicals

Directions: Your attorney has asked you to research the following questions. You will use American Law Reports and Legal Periodicals.

American Law Reports. For the following questions, use American Law Reports. To find relevant annotations, use the ALR Index (covering ALR 2d, 3d, 4th, 5th, ALR Fed and L. Ed.), the ALR Digests, and the Index for Lawyers Edition. If more than one annotation (or a part thereof) applies to a problem, please identify those that most specifically apply. Be certain to check supplements.

Ex. A mother would like to know whether she is responsible for the intentional misconduct of her minor child.

Vol: 54 ALR: 3d Page: 974 Relevant Sec: 12
Title: Parents Liability for the Intentional Misconduct of a Minor Child
Author: Wade Habebe Date: (1914)

A. We represent Smith College, a private school. While playing baseball on a college baseball playing field, Tom ran into a flagpole (located in the middle of the field). Please find an annotation that deals with the college’s liability for baseball injuries.

Vol: ALR: Page: Relevant Sec:
Title: Author: Date:

B. Mike and Karen, an unmarried couple, live in the City of San Diego. The City has an ordinance that restricts unmarried persons from living together. What annotation deals with this matter?

Vol: ALR: Page: Relevant Sec:
Title: Author: Date:

C. During a high school play, a student accidentally fired a gun that was supposed to be unloaded. The school board has asked us to research the issue of negligent supervision.

Vol: ALR: Page: Relevant Sec:
Title: Author: Date
D. Our client has been harassed by someone who smokes and follows our client and blows smoke (from cigarettes) in her face. Can she bring an action against for battery?

Vol:  
Title:  
Author:  

E. A teacher at a local public school gives his students a moment of silence before each test. "They need all the prayers they can get," he told his students. Please find a U.S. Supreme Court case and annotation dealing with moments of silence in schools and prayer in school?

Vol:  
Title:  
Author:  

F. Using the ALR Table of Rules & Regulations (contained in the last volume of the ALR Index), please identify the very latest ALR Fed volume that discusses Title 42 U.S.C.A. § 1983.

Vol:  
Title:  
Author:  

G. The local police have arrested a client of ours for burning the American flag at a political rally. Please find the U.S. Supreme Court case and annotation in Lawyer’s Edition that deals with the burning of the American flag. (Use ALR Index or L. Ed. Index)

Vol:  
Title:  
Author:  

H. Our client was recently videotaped while she was in a hospital room during a recent illness. She wants to find out whether she has a claim for invasion of privacy. Please see what you can find in each of the following tools. The ALR Digest should be the most helpful.

   Am. Jur.2d:  
   Page:  

2. A.L.R. Vol:  
   ALR:  
   Page:  


(Note that there are multiple answers for each of the above.)
Legal Periodicals

For the following questions, please find relevant articles in various legal publications. To find articles, first consider using LegalTrac, then the Current Law Index, and then the Index to legal Periodicals. You may also find the Current Index to Legal Periodicals helpful, too. If available, consider also running a search on Lexis.

A. The District Attorney has asked you to research whether charges may be brought against an adult child for failure to support a parent. The parent, a father, in now in his late eighties and has Alzheimer's. His son, a prominent real state developer, refuses to pay for his father's care in a nursing home. The DA would you to find at least one article dealing with the issue of an adult child's duty to support a parent. Please note that you should find the article and cite any key language that answers this question.

Author:
Title of Article:
Volume Number:
Name of Publication:
Page Number: (First, and page number(s) where key language appears):
Date of Publication:
Key Language:

B. Our client was denied a promotion at work because he is obese. His obesity has nothing to do with his job performance, which is outstanding. His boss simply didn't want to promote him because he's "too fat." Because our firm has not handled a discrimination case of this sort before, we would like to find an article that discusses whether one's "weight" alone can be the basis for the job promotion or hiring. As above, please find some key language in the article that discusses this issue.

Author:
Title of Article:
Volume Number:
Name of Publication:
Page Number: (First and page number(s) where key language appears):
Date of Publication:
Key Language:
Assignment #4
University of San Diego, Paralegal Program
Citation Form

The Cite is Probably Not Right

Directions: Assume you have received a document containing the following citations below. Each cite is incorrect. Your task is to re-write the cite correctly. Remove extraneous information. The phrase before the citation tells you what the source the author is trying to cite. Your final cites must be typed (not handwritten). Your citations must conform to the ALWD Citation Manual, or, if you choose, the Uniform System of Citation (Bluebook). For a bonus point, try citing the material according to: 1) the ALWD Citation Manual; 2) the Uniform System of Citation; and 3) the California Style Manual (4th Edition). All of these books are in the Reserve Room.


3. U.S. Supreme Court, Jones v. Smith, V. 110 United States Supreme Court Reports, pg. 590 (Unanimous decision 1990)


6. California Statutes. CALIFORNIA PENAL CODE SECTION 422.6 (West Publishing 1989 & also Supplement 2000) (California Hate Crimes Statute)


Secondary Sources


10. (Law Review Reports) “Surviving Legal Citation Form,” 55 Harvard Law Review 66, 89, by your name, (date of publication 2000) (student written work)
For the following questions, you will be using the West’s Digests. You will identify the most relevant Digest Topic and Key Number that applies to your problem. You may indicate more than just one Topic and Key Number. The directions may also request a “representative” case that discusses the issue raised by your Topic and Key Number.

Example:

A parent would like to know if she must pay damages for her son’s vandalism at school.

<table>
<thead>
<tr>
<th>Topic:</th>
<th>Parent &amp; Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Number:</td>
<td>13 (1)</td>
</tr>
<tr>
<td>Key case:</td>
<td>Robertson v. Wentz</td>
</tr>
</tbody>
</table>

1. **Federal Practice Digest (3rd or 4th Series)**

Our client is Mary Monarch. Mary has her own Web Site (MaryMonarch.Com). She recently reviewed a book by Jackie Collins. In her review, Mary excerpted an entire chapter of the book and placed it on her Web Site. Jackie contends that publishing her 30-page chapter constitutes copyright infringement. Is she correct?

<table>
<thead>
<tr>
<th>Topic:</th>
<th>Key Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meaning:</td>
<td></td>
</tr>
<tr>
<td>Key Case:</td>
<td></td>
</tr>
</tbody>
</table>

2. **California State Digest (2d)**

Our client is a famous movie actress. Recently she discovered that her photo was being used without her permission to advertise dog food. While she loves dogs, she does not endorse this particular dog food. She wants to know whether she can bring an action for invasion of privacy against the dog food company.

<table>
<thead>
<tr>
<th>Topic:</th>
<th>Key Number:</th>
</tr>
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<tbody>
<tr>
<td>Meaning:</td>
<td></td>
</tr>
<tr>
<td>Key Case:</td>
<td></td>
</tr>
</tbody>
</table>

3. **Pacific Digest (3rd or 4th Series)**

Our client is a major league baseball player who was recently attacked by a crazed fan. It turns out that the fan had been seeing a psychologist and told the psychologist of his (the fan’s) to attack this baseball player. The psychologist did nothing. The player would like to know whether he can bring an action against the psychologist for failing to warn him of the foreseeable attack.

<table>
<thead>
<tr>
<th>Topic:</th>
<th>Key Number:</th>
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<tbody>
<tr>
<td>Meaning:</td>
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<td>Key Case:</td>
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4. **Supreme Court Digest**

Our client is Lisa Simpson. Lisa is the editor of the student paper at her high school. Lisa wanted to print controversial story in the school newspaper about violence in teen relationships. The principal of the school censored the article, saying the article would be inappropriate to high school students. Lisa wants to know whether she can sue for violation of First Amendment rights, even though the school paper is sponsored by the school district and not an underground student paper.

**Topic:**
**Key Number:**
**Meaning:**
**Case**

5. **Decennial Digest, or the Northwestern Digests**

Our client was having dinner in a restaurant, located in Davenport, Iowa. While eating her apple pie, a camera crew from a local T.V. news crew came and began filming her as she ate her apple pie. The filming was done as part of a news story on weight control. Our client was horrified and wants to bring an action under Iowa law for invasion of privacy.

**Topic:**
**Key Number:**
**Meaning:**
**Best Case**