

LEGAL RESEARCH & WRITING
MONDAY & WEDNESDAY, 11:20 A.M.-12:35 P.M.
FALL 2024
PROFESSOR GRANT SMITH

Cell Phone: (307) 620-2194

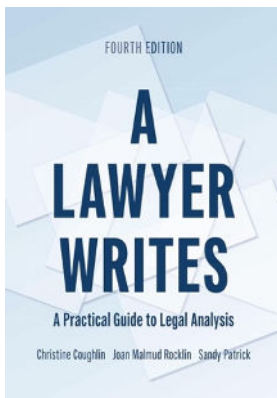
Email: gsmith@vermontlaw.edu

Office Hours: Please call or text to schedule virtual one-on-one office hours. I will also be in my office with my door open from 12:35-1:35 p.m. each Monday & Wednesday (*i.e.*, right after class). Feel free to stop by.

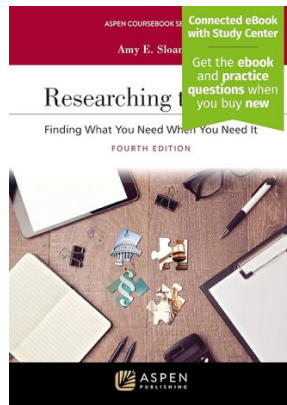
INTRODUCTION AND OVERVIEW

Welcome. You have landed in law school. This course will, hopefully, give you the foundational skills necessary to effectively research the law and write about the law. The course starts with an exploration into the structure of our legal system, our sources of law, and the resources you access to determine what the law is. We then parlay this knowledge into analyzing an issue for a fictional client to help them understand how their dilemma will likely be resolved. This client really likes your work. So, your final project will be drafting a full legal memorandum addressing another issue the client has entrusted to you. I really enjoy legal research and writing. I hope by the end of the course you do too.

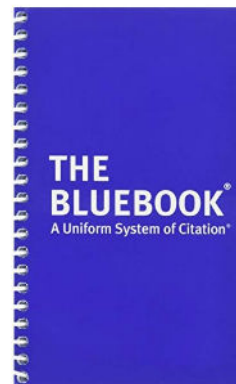
COURSE MATERIALS



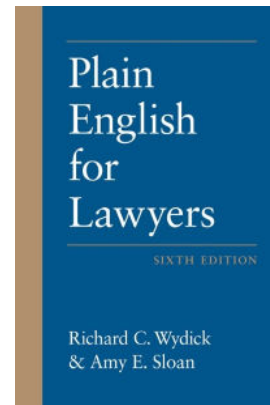
(Writes)



(Researching)



(Bluebook)



(Plain)

- Additional materials will be posted on Canvas for each class.

LEARNING OUTCOMES

At the end of Legal Research and Writing you will be able to:

1. Describe the structure, components, and functions of legal systems in the United States.
2. Describe the relative weight of different types of primary and secondary authority.
3. Demonstrate efficient, thorough, and deliberate research processes for primary and secondary authority in federal and tribal jurisdictions.
4. Identify sources of authority relevant to a complex fact pattern, including constitutional provisions, statutes, regulations, and rules of common law.
5. Identify material facts within a complex fact pattern when given a legal issue.
6. Demonstrate rule-based reasoning skills to analyze the potential outcomes of a legal dispute.
7. Demonstrate analogical reasoning skills to analyze the potential outcomes of a legal dispute.
8. Apply statutes, cases, regulations, and other forms of primary authority to analyze the potential outcomes of a legal dispute.
9. Identify and dismiss counter-arguments.
10. Write clearly and concisely.
11. Be able to cite cases, statutes, and constitutions by memory.

GRADING

Unit 1 Assessment	100 Points
Unit 2 Assessment	200 Points
Unit 3 Assessment	500 Points
Exercises	200 Points

TIMELY SUBMISSION OF ASSIGNMENTS

You are responsible for submitting assignments at the proper time and place. Assignment submission deadlines are contained in the “Course Schedule” section of this syllabus. Anyone who fails to submit an assignment on time or in the correct manner without prior permission will receive a 10% deduction per day late. Any assignment that is more than five days late will automatically receive a failing grade.

I also understand that sometimes life can throw you curveballs. Thus, if you ask and provide a good reason, I will grant extensions on a case-by-case basis. To receive an extension, you must request it at least 24 hours in advance of the assignment deadline.



GUIDELINES FOR COURSE WORK

First, you must adhere to the citation form required by the Bluebook. All written assignments will have their own unique formatting requirements. Points will be subtracted from your score if you fail to follow the formatting and citation requirements.

Second, the Vermont Law School Honor Code governs your work and conduct in this class. Whenever you use the words or ideas of another writer, as you will inevitably do in legal writing, you must acknowledge the original source using a citation. If you use the exact words of another person, use quotation marks and cite the source. Cite the source even if you put another person's ideas in your own words. This rule covers cases and statutes and applies to every sentence. Citing a source once in a paragraph when the source is mentioned or otherwise relied on in every sentence is unacceptable. Never copy from any written material without acknowledging the source. You will also violate the Honor Code by using a current or former student's work or by looking at materials that I have asked you not to look at. You must receive permission from me before receiving assistance on your writing from any source, including ASP mentors and the Writing Specialist. Except as directed in class, under no circumstances may you receive assistance on the substantive law, your writing, or any other aspect of any assignment from any faculty member, attorney, judge, or other non-VLGS community member. Unless otherwise specified, assignments must be your own work product. Failure to follow these instructions violates the Honor Code.

Finally, this class requires active and responsible class participation. Consequently, you have an obligation both to yourself and to your classmates to come prepared to class and to arrive promptly for all scheduled classes, meetings, and oral arguments.

CLASS ATTENDANCE

Class attendance is mandatory. Students with more than four absences will receive a failing grade for the course.

WRITING SPECIALIST

Vermont Law and Graduate School's Writing Specialist, Professor Meg York, is available to help you with the mechanics of your writing, including grammar, punctuation, sentence structure, paragraph structure, and organization. Professor York meets with students online on Teams. You may meet with Professor York before you submit a draft for my review. Contact Professor York at myork@vermontlaw.edu for an appointment.

USE OF GENERATIVE AI

Legal research and writing are unlike most other academic and professional activities you may have undertaken in the past. Some of the most important skills connected to an attorney's success are to be able to find, evaluate, analyze, and synthesize authority and arguments and to communicate

those results effectively. Using tools that complete any of these processes for you before you have become proficient with them on your own – no matter how sophisticated, accurate, or ubiquitous those tools are – will shortcut critical cognitive steps in your legal training and can put you at a significant disadvantage.

Artificial Intelligence (AI) is only going to continue to improve and will impact the practice of law in ways we can't predict yet. Once you have learned on your own to separate relevant information and authority from that which is irrelevant and to formulate, weigh, and communicate the merits and shortcomings of different arguments, you will be operating from a foundation of knowledge and in a strong position to critically evaluate and accept, reject, or modify AI-generated output. One of my goals is to help you build that knowledge foundation so that you can make the most of these profoundly important tools in the future, no matter what they morph into along the way.

In the first semester of law school, though, we're not quite there yet. Therefore, **the use of generative AI (including but not limited to ChatGPT, GPT4-based tools (whether standalone or incorporated into a third-party platform), or any other product that uses AI to generate blocks of text or answers to questions) is prohibited in connection with your work in all aspects of this class except in situations where I have expressly given permission to do so.** If you aren't sure whether something is permitted, ask.

COURSE SCHEDULE

DATE	CLASS TITLE	ASSIGNED MATERIALS	DEADLINES
August 26	Welcome!	Before Class Read: <i>The Syllabus.</i> <i>Bluebook:</i> pgs. 3-4, 18 (B11 “Constitutions”).	Introduction Assignment: Upload to Canvas by 11:59 p.m., August 25.
August 28	Let’s Get Started	Before Class Read: <i>Researching:</i> Chapter 1. <i>Writes:</i> Chapter 2.	Bluebook / Research Exercise: Upload to Canvas by 11:59 p.m., September 1.
September 2	No Class	None	None
September 4	Statues and the Importance of Close Reading	Before Class Read: <i>Statute:</i> Posted on Canvas. <i>Researching:</i> Chapter 11. <i>Bluebook:</i> Pgs. 18-19 (B.12.1, B.12.1.1, B.12.1.2). <i>Writes:</i> 33-43.	Bluebook / Research Exercise: Upload to Canvas by 11:59 p.m., September 8.
September 9	What Do Judges Do?	Before Class Read: <i>Case:</i> Posted on Canvas. <i>Researching:</i> Chapter 9. <i>Bluebook:</i> Pgs. 10-15 (B10.1, B10.1.1, B.10.1.2, B10.1.3, <i>Writes:</i> 45-64.	Bluebook Exercise Upload to Canvas by 11:59 p.m., September 10.
September 11	Routes, Shortcuts, and Destinations	Before Class Read: <i>Researching:</i> Chapters 3, 4, and 8. <i>Bluebook:</i> Pgs. 15-18 (B.10.1.5, B.10.1.6, B.10.2).	Bluebook / Research Exercise: Upload to Canvas by 11:59 p.m., September 15.
September 16	Treasure Hunt	Before Class Read: <i>Researching:</i> Chapters 5, 6, 7.	Research Exercise: Upload to Canvas by 11:59 p.m., September 17.
September 18	The All-Important C.R.E.A.C.	Before Class Read: <i>Writes:</i> Chapter 6.	Complete Unit 1 Assessment: Upload to Canvas by 11:59 p.m., September 22.

September 23	Here Comes Jessup	Before Class Read: <i>Unit 2 Assessment Prompt:</i> Posted to Canvas. <i>Writes:</i> Chapter 4.	C.R.E.A.C. Exercise: Upload to Canvas by 11:59 p.m., September 24.
September 25	A Memo Will Solve It	Before Class Read: <i>Writes:</i> Appendix A and B.	CWA Research Exercise: Upload to Canvas by 11:59 p.m., September 29.
September 30	Making Sense of It All	Before Class Read: <i>Effective Research Notes:</i> Posted to Canvas. <i>Writes:</i> Chapter 5. Bring research notes to class.	Rule Exercise Upload to Canvas by 11:59 p.m., October 1.
October 2	Let's Write	Before Class Read: <i>Write Like a Human Not a Lawyer:</i> Posted to Canvas. <i>Plain:</i> Pgs. 7-21.	Draft CWA Memo Outline (Do not upload to Canvas but bring to October 7 Class).
October 7	Jessup Rulz	Before Class Read: <i>Writes:</i> Chapter 7. <i>Formulating Holdings & Legal Principles for Cases:</i> Posted to Canvas.	Draft R & E for CWA Memo: (Do not upload to Canvas but bring to October 9 class).
October 9	I Need an Explanation	Before Class Read: <i>Plain:</i> Pgs. 27-38. Watch: Synthesis video posted on Canvas. Bring R & E to class.	Editing Exercise: Upload to Canvas by 11:59 p.m., October 13.
October 14	No Class	None	Continue Working on CWA Memo
October 16	Analyze This	Before Class Read: <i>Writes:</i> Chapter 8. <i>Example Memo:</i> Posted to Canvas.	Draft C's & A for CWA Memo: (Do not upload to Canvas but bring to October 21 class).
October 21	Analyze This (Part II)	Before Class Read: <i>Writes:</i> Chapter 9. <i>Plain:</i> Pgs. 39-54 Bring C's & A to class	
October 23	Good Writing is Good Editing	Before Class Read: <i>Editing Tips & Tricks:</i>	Upload Unit 2 (CWA Memo) to Canvas:

		Uploaded to Canvas. <i>Plain:</i> Pgs. 55-70	Upload by 11:59 p.m., October 27.
October 28	Repeat Customer	Before Class Read: <i>Unit 3 Assessment (ADA Memo) Prompt:</i> Uploaded to Canvas.	
October 30	Take it from the Top	Before Class Read: <i>Writes:</i> Appendix C. Watch: Research Ride-Along, posted to Canvas.	Citation Exercise: Upload to Canvas by 11:59 p.m., November 3. Begin Researching ADA
November 4	Just the Facts	Before Class Read: <i>Writes:</i> Chapters 13 and 14.	Research ADA Case (Bring Research to November 6 class).
November 6	Concluding Remarks	Before Class Read: <i>Writes:</i> Chapter 15. <i>Writing Hand-Out:</i> Posted to Canvas.	Outline ADA Memo Draft Issue and Facts
November 11	Putting it all Together	Before Class Read: <i>Writes:</i> Chapter 16.	Draft Analysis and Conclusion
November 13	Time to Meet	Before Class Read: <i>Plain:</i> Pgs. 71-85.	Unit 3 Draft Due: Upload to Canvas by 11:59 p.m., November 17. Schedule Individual Conference Time
November 18	No Class	Attend Individual Conference	
November 20	No Class	Attend Individual Conference	
November 25	No Class	Attend Individual Conference	
November 27	No Class	Attend Individual Conference	
December 2	Finishing Touches	Before Class Read: <i>Plain:</i> Pgs. 87-104.	Edit and Revise Memo
December 4	Ave Atque Vale	Before Class Read: <i>Opinion:</i> Posted to Canvas.	ADA Memo Due