LEGAL WRITING II
SECTION 5: TUESDAY & THURSDAY, 2:10-3:25
SPRING 2025
PROFESSOR GREG JOHNSON
SYLLABUS & CLASS SCHEDULE

Office Phone: (802) 831-1284
Office Location: Debevoise 315
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Office Hours: Monday, 2:00-3:00 p.m.
                          Wednesday, 1:00-2:00 p.m.

INTRODUCTION AND OVERVIEW

This class builds on Legal Research & Writing with a series of objective, persuasive, and oral advocacy assignments. Here are the goals for the course:

1. Proficiency in research techniques
2. Proficiency in analogical and rule-based reasoning
3. Proficiency in use of authority
4. Proficiency in citation use
5. Proficiency in the three C's of legal writing (clarity, conciseness, completeness)
6. Understand oral advocacy purpose and technique
7. Practice persuasive writing

COURSE MATERIALS

Required:
- Joan M. Rocklin et al., *An Advocate Persuades* (2d ed. 2022).
- *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020).
- All other materials for the course are on Canvas

GRADING

Office Memo Discussion Section	15%
Summary Judgment Memorandum	30%
Appellate Brief	40%
Oral Argument	15%

In addition to the assignments listed above, students are also required to complete a Multistate Performance Test (MPT) at the end of the semester. I will provide more information about the MPT in class. Failure to complete the MPT will result in class failure.

GRADING SCALE

A = 93.1 – 100
A- = 90 – 93
B+ = 87 – 89.9
B = 83.1 – 86.9
B- = 80 – 83
C+ = 77 – 79.9
C = 73.1 – 76.9
C- = 70 – 73
D+ = 67 – 69.9
D = 64 – 66.9
F = 63.9 and below

TEACHING ASSISTANTS

Kate Chandley, KathleenChandley@vermontlaw.edu
Office Hours: Monday, 12:45-2:00 p.m., Yates Common Room

Ian Lopez, IanLopez@vermontlaw.edu
Office Hours: Thursday, 3:45-5:00 p.m., Second Foor of Chase

ASSIGNMENT SUBMISSION

Assignments are due on Canvas. All assignments must be submitted in Microsoft Word. Late assignments receive a ten-point grade deduction per day late. Any assignment that is more than five days late automatically receives a failing grade. I will grant extensions in only the most exceptional circumstances. This is a case-by-case consideration, but exceptional circumstances are generally unforeseen events that arise shortly before a deadline and require immediate attention.

ACCOMMODATIONS

Vermont Law & Graduate School encourages students with disabilities, visible or hidden, to seek appropriate accommodations. If you have a disability and would like to request an accommodation, please review the VLGS Disability Policy here. On that webpage, you can find an online form to complete and upload your supporting documentation. If you have questions, please contact the Vice Dean for Students, Joseph Brennan.

GUIDELINES FOR COURSE WORK

The Vermont Law & Graduate 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 may receive assistance on your writing from the Teaching Assistants 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 another student, 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.

Special Notice: The final assignment (Appellate Brief) is based on a pending United States Supreme Court case (*Ames v. Ohio Dep't of Youth Servs.*). You are not allowed to read any of the briefs in this case. Reading any of the briefs violates the Honor Code.

ARTIFICIAL INTELLIGENCE

In this class, use of generative AI* to complete any assignment is an honor code violation. 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 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.

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 this class's 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 year of law school, though, you are not quite there yet. Therefore, the use of generative AI (including but not limited to ChatGPT, GPT-4 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. If you are not sure whether something is permitted, ask.

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* Definition of Generative AI (generated by ChatGPT on Aug. 21, 2023): Generative AI refers to a branch of artificial intelligence capable of producing novel and creative outputs, such as text, images, music, or other forms of media, often by learning patterns and structures from existing data. In the context of law, generative AI has potential applications in legal document drafting, contract generation, and other creative aspects of the legal profession.

LEGAL WRITING II
COURSE SCHEDULE
ALL MATERIALS, OTHER THAN THE TEXTBOOK AND THE *BLUEBOOK*, ARE ON CANVAS

Week	Date	Class Plan	Reading Assignment	Written Assignment
1	January 14	Course introduction Discuss assignment—come to class prepared to discuss the sources included with the assignment and how they can help predict an outcome for the hypothetical client	Course Syllabus and schedule Discussion Section Assignment *The Bluebook*, pages 1-4	
	January 16	CREAC refresher Writing review—writing in plain language, paragraph structure and transitions, topic sentences	*The Science Behind Plain Language*	Complete the writing exercises before class
2	January 21	Writing lab	Introduction to the Pomodoro Technique	
	January 23	Citation workshop	Review *Bluebook* Rules B10, 10 and 12; Tables 1, 6, and 10	Come to class with the citations for the four cases in the Discussion Section assignment
	January 26			Discussion Section assignment due on Canvas by 11:59 p.m.
3	January 28	Introduction to persuasive writing Come to class prepared to discuss professional identity formation Citing pages	*An Advocate Persuades*, Introduction (xxi-xxii), Chapter 1 (5-15), and Chapter 2 (17-24) *Bluebook* Rule 3.2(a) (73-74)	

	January 30	Discuss Summary Judgment Memorandum assignment Discuss *Celotex Corp. v. Catrett* Citing sections and paragraphs	Summary Judgment Memorandum Assignment *Celotex Corp. v. Catrett* Skim: *An Advocate Persuades*, Appendix B (395-414) (Memoranda in support of, and in opposition to, a Motion for Summary Judgment) *Bluebook* Rule 3.3 (76-77)	
4	February 4	Discuss motions and drafting a trial court brief Discuss trademark statute Discuss *PlayNation Play Sys., Inc. v. Velex Corp.* Quotations	*An Advocate Persuades*, Chapter 8 (181-212) 15 U.S.C. § 1114 *PlayNation Play Sys., Inc. v. Velex Corp.* *Bluebook* Rule B5 (8-9)	
	February 6	Discuss argument organization Discuss *FCOA LLC v. Foremost Title & Escrow Servs.* Alterations in quotations	*An Advocate Persuades*, Chapter 3, Section 3.1 (27-48) *FCOA LLC v. Foremost Title & Escrow Servs.* *Bluebook* Rule 5.2 (84-86)	
5	February 11	Finish discussing argument organization Omissions in quotations	*An Advocate Persuades*, Chapter 3, Sections 3.2-3.5 (49-82)	

			Bluebook Rule 5.3 (86-87)	
	February 13	Discuss persuasive drafting Abbreviations	*An Advocate Persuades*, Chapter 5 (95-128) *Bluebook* Rules B6 and 6 (9, 87-89)	
6	February 18	Discuss refining for persuasion Numerals and symbols	*An Advocate Persuades*, Chapter 6 (125-60) *Bluebook* Rule 6.2 (89-90)	
	February 20	Discuss editing for persuasion Capitalization	*An Advocate Persuades*, Chapter 7 (161-77) *Bluebook* Rules B8 and 8 (10, 91-94)	
	February 21			Summary Judgment Memorandum first draft due on Canvas by 11:59 pm Final draft due on Canvas by 11:59 pm on March 9
7	February 25	Conferences on first draft—no class		
	February 27	Conferences on first draft—no class		
8	March 4	Spring break—no class		
	March 6	Spring break—no class		
9	March 11	Introduction to the Appellate Brief assignment. Discuss burden shifting for discrimination claims under Title VII and the "background circumstances" rule.	*McDonnell Douglas Corp. v. Green* *Ames v. Ohio Dep't of Youth Servs.* Question Presented	

	March 13	Discuss drafting the statement of the case Discuss trial court opinion in *Ames v. Ohio Dep't of Youth Servs.* (for the facts) Citing case names	*An Advocate Persuades*, Chapter 10 (pgs. 273-302) Trial court opinion in *Ames v. Ohio Dep't of Youth Servs.* *Bluebook* Rule B10.1.1 (11-12)	
10	March 18	Discuss argument themes Discuss *Parker v. Balt. and Ohio R.R.* Citing case names (cont'd)	*An Advocate Persuades*, Chapter 4 (pgs. 83-93) *Parker v. Balt. and Ohio R.R.* *Bluebook* Rules 10.2.1 and 10.2 (97-103)	
	March 20	Discuss *Iadimarco v. Runyon* Discuss *Bass v. Bd. of Cnty. Comm'rs* Reporters, pinpoint citations, court, and year of decision	*Iadimarco v. Runyon* *Bass v. Bd. of Cnty. Comm'rs* *Bluebook* Rules B10.1.2-1.3 (13-14)	
11	March 25	Strategy session on themes and theory of the case Short cites for cases	*Bluebook* Rule B10.2	
	March 27	Writing Lab using the Pomodoro Technique Citation signals	*Bluebook* Rule B.1.2 (4-5)	
12	April 1	Citation workshop Explanatory parentheticals	*Bluebook* Rule 1.3 (5-6)	
	April 3	Question/Answer on Appellate Brief assignment Citing law review articles	*Bluebook* Rule 16 and Table 13	

	April 6			Appellate Brief due on Canvas by 11:59 p.m.
13	April 8	Introduction to oral argument	*An Advocate Persuades*, Chapter 11, Sections 11.1 & 11.2 (pgs. 303-29)	
	April 10	Continue discussing oral argument	*An Advocate Persuades*, Chapter 11, Sections 11.3 & 11.4 (only pgs. 331-45, 351-58)	
14	April 15	No class	Oral Arguments	
	April 17	Introduction to the MPT		
15	April 22	Take the MPT in class		
	April 24	Final class—course debrief, evaluations, etc.		