

LEGAL WRITING II
TUESDAY, 6:30 – 9 P.M. EST
SPRING 2025
PROFESSOR GRANT SMITH

Cell Phone: (307) 620-2194

Email: gsmith@vermontlaw.edu

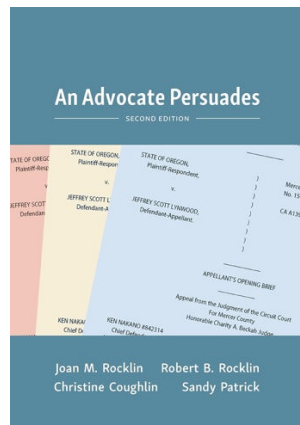
Office Hours: Sundays from 8-9 p.m., EST. Please email or text to schedule virtual one-on-one office hours.

INTRODUCTION AND OVERVIEW

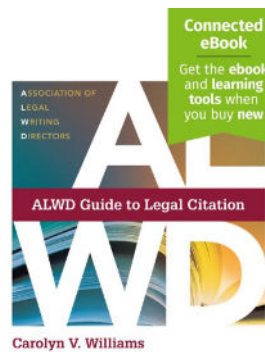
Welcome. In this course, you will represent one client for the entirety of the semester. You are a public defender, and your client has been charged with a crime. You will need to conduct initial research into your client's case, effectively communicate your research findings with your client, and advocate for your client (both in written and oral form). There are two primary goals for the course: (1) sharpen the legal research and writing skills you learned last semester; and (2) develop foundational habits that will help you become a more effective lawyer. While the lectures, non-graded exercises, and graded assignments will primarily focus on legal research and legal writing, we will also explore a host of other topics such as the pitfalls and benefits of generative artificial intelligence, identifying logical fallacies, and managing the professional and personal demands of being a lawyer. Buckle up and enjoy the ride.

As a final note, you will take a mock Multistate Performance Test (MPT) toward the end of the semester. The MPT is mandatory to pass the class but is not graded.

COURSE MATERIALS



(Persuades)



ASPEN
PUBLISHING

(ALWD)

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

LEARNING OUTCOMES

At the end of Legal Writing II:

- You will have a polished work-product (Motion to Suppress) that you are proud of and can use as a professional writing sample.
- You will be able to correctly cite, from memory, federal cases, federal statutes, and the United States Constitution.
- You will be able to accept, and, when necessary, implement feedback on your writing.
- You will obtain editing techniques to refine drafts and polish work product.
- You will learn how to effectively communicate complex legal issues to lawyers, and non-lawyers.
- You will be able to objectively assess the strengths and weaknesses of your given position.
- You will be able to critically read court opinions.
- You will learn how to effectively prepare for, and deliver, an oral argument.
- You will remain interested in the law.

GRADING

Office Memorandum	200 points
Client Letter	100 points
Motion to Suppress	400 points
Oral Argument	200 points
Miscellaneous Exercises/Participation	100 points
MPT	0 points / Mandatory to Pass the Class

TIMELY SUBMISSION OF ASSIGNMENTS

While it is a fiction, the format of this class is that you are an attorney who is representing a client. As part of that fiction, you are responsible for meeting all deadlines. After all, your client is depending on you. Any late submissions will receive a 10 percent point reduction for every day they are late.

However, like in the real world, you can request extensions of time. Requests for additional time must be made 24 hours before the deadline. I will not entertain late extension requests.

CLASS ATTENDANCE

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

GUIDELINES FOR COURSE WORK

First, you must adhere to the citation form required by ALWD. 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. 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.

USE OF GENERATIVE AI

We will discuss and explore generative AI—e.g., ChatGPT, Claude, LexisAI. However, you can only use these tools if (1) I tell you to; or (2) you seek my permission first. Any unauthorized use of generative AI may result in an honor code violation. Please be aware that use of generative AI is relatively easy to detect.

ALL OF THIS IS SUBJECT TO CHANGE

This course is an organic entity. This means it will evolve as we progress and adapt to our collective pace. Thus, this syllabus is subject to change. You are responsible for closely monitoring Canvas to ensure that you are aware of any changes to the assigned material.

ACCOMMODATIONS

Vermont Law and 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 Vermont Law and Graduate School Disability Policy at: <https://www.vermontlaw.edu/community/students/academic-success/accommodations>

On that webpage, there is also an on-line form to complete and upload your supporting documentation. If you have questions, please contact the Vice Dean for Students, Joseph Brennan. Please note that requests made within two weeks of a midterm or a final examination may not be granted in time. Please make your request as soon as possible.



TITLE IX

Vermont Law and Graduate School (VLGS) is committed to fostering a safe, productive learning environment. Title IX and VLGS policy prohibit discrimination based on sex. Sexual misconduct – including harassment, domestic and dating violence, sexual assault, and stalking – is also prohibited at VLGS.

VLGS encourages anyone experiencing sexual misconduct to talk to someone about what happened, so they can get the support they need, and VLGS can respond appropriately.

If a student wishes to speak confidentially about an incident of sexual misconduct, wants more information about filing a report, or has questions about school policies and procedures, please contact [VLGS's Title IX Coordinator](#).

VLGS is legally obligated to investigate reports of sexual misconduct. Therefore, VLGS cannot guarantee the confidentiality of a report, but VLGS will consider a request for confidentiality and respect it to the extent possible.

Professors are also required to report incidents of sexual misconduct and thus cannot guarantee confidentiality. This policy includes any mention of sexual misconduct that a student might make in their written work. A professor must provide VLGS's Title IX coordinator with relevant details, such as the names of those involved in the incident.

COURSE SCHEDULE

DATE	CLASS TITLE	BEFORE CLASS	AFTER CLASS
January 14	Your Job Begins	Course Syllabus. <i>Letter from Birmingham Jail.</i> Client Packet	ALWD Exercise: Upload to Canvas by 10 p.m. EST on Sunday, January 12. Begin Researching: Issues identified in client letter.
January 21	Court-Appointed Representation	Legal Research Strategies (Refresher) How to Think, not What to Think <i>Reading Like a Lawyer</i>	Source List: Upload to Canvas by 10 p.m. EST on Sunday, January 24.
January 28	The Law Say What?	Bring source list to class. Example Memorandum (compare and contrast with your 2024 memorandum) <i>Abolish the Passive Voice?</i>	Draft: Legal Memorandum
February 4	A Jury of Your Peers.	<i>Editing Tips</i> <i>How to Love Criticism</i> <i>Transcending Genre</i>	Email to Peer Editor: Portion of Memorandum by 10 p.m. EST on February 5. No more than two pages. Edit and Return: Portion of Memorandum sent to you by 10 p.m. EST on February 9.
February 11	Garbage in Gold Out	Finish Your Memorandum	Upload to Canvas: Memorandum by 10 p.m. EST on February 16.

February 18	Effective Client Communication	<p><i>Federal judge holds US attorney's office in contempt in probe of recorded attorney-client calls.</i></p> <p><i>'I no longer feel safe around law enforcement,' prosecutor says in email one week after her DUI arrest.</i></p> <p>Rules of Professional Responsibility 1.2, 1.4, 1.6, 3.1, and 3.3.</p>	Upload to Canvas: Client Letter by 10 p.m. EST on February 23.
February 25	Motions Practice	<p><i>Persuades</i>, pgs. 5-24.</p> <p>Example Motion</p>	Begin Research
March 4	No Class	No Class	Continue Researching
March 11	What's Your Story?	<p><i>Persuades</i>, pgs. 181-212.</p> <p>Examples Statement of Facts</p>	Upload to Canvas: Source List by 6 p.m. EST, Friday, March 14.
March 18	Structure and Persuasion.	<p><i>Persuades</i>, pgs. 49-71.</p> <p>Example Motion</p>	
March 25	Materially Distinguishable.	<i>Persuades</i> , 125-160.	Email: Government for position on the motion.
April 1	Crossing the Finish Line.	<p><i>Persuades</i>, pgs. 161-177.</p> <p>Example Brief</p>	<p>Sign Up: Motion to Suppress Conference.</p> <p>Email Motion to Suppress: Forty-eight hours before our conference. In email, list three things you want to focus on.</p>
April 8	No Class	Conference On Motion to Suppress	Conference: Motion to Suppress. Motion to Suppress due one week after conference.
April 15	Oral Advocacy	Example Oral Arguments	Sign Up:

		<p>Art of Appellate Advocacy: Tips for Oral Argument.</p> <p><i>Oral Argument: A Guide to Preparation and Delivery for the First-Timer.</i></p>	Oral Argument
April 22	No Class	Practice and Final Oral Argument	<p>Take the MPT (Details Provided in Class)</p> <p>Complete Course Evaluations</p>