

SYLLABUS AND SCHEDULE FOR LEGAL WRITING II
Vermont Law & Graduate School
Spring Semester 2025
Professor Anna F. Connolly

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Office: Debevoise, Third Floor

Office Hours: Monday 11:15 a.m. – 12:15 p.m. and by appointment

Class Schedule: **Section 1:** Monday/Wednesday 9:55 a.m. – 11:10 a.m. (Debevoise Nina Thomas room); **Section 2:** Monday/Wednesday 12:45 – 2:00 p.m. (Debevoise MAP room)

Class TA: Paige Wagar (Section 1); Lyndall Goudemond (Section 2)

PURPOSE

This course aims to develop your analytical, research, writing, and oral advocacy skills. The class begins with an editing assignment, where you will review and implement “Plain English” legal writing skills. Next, you will draft an objective office memorandum analyzing the merits and risks of asserting certain claims in a lawsuit. You will then draft a pre-trial document: a memorandum of law in support of (or in opposition to) a motion to dismiss. I will critique your first draft of the motion to dismiss memorandum and meet individually with each of you before you hand in the final copy. The course concludes with your oral argument on the motion to dismiss. Throughout the semester you will also complete several non-graded exercises as well as an in-class MPT (Multistate Performance Test), which is a part of most jurisdictions’ Bar Exams.

COURSE MATERIALS

- Noah Messing, *The Art of Advocacy* (2013)
- *The Bluebook: A Uniform System of Citation* (21st ed.)

LEARNING OUTCOMES

By the end of this course, you will be able to:

1. Use basic principles of good legal writing, analysis, and research to communicate effectively with diverse audiences.
2. Demonstrate persuasive writing techniques to influence a legal outcome or resolution.
3. Apply objective writing techniques in a variety of factual and legal scenarios.
4. Analyze facts and research applicable case law to evaluate the merits of a case and construct arguments.
5. Formulate and present an oral argument.
6. Demonstrate professionalism in legal communication.
7. Employ techniques for time-management, self-reflection, feedback, and collaboration necessary for academic study, the Bar Exam, and professional practice.

RULES

RULE 1: SCOPE OF RULES

These rules govern form and procedure for the writing assignments and oral argument in this course. When necessary, handouts or instructions distributed in class (or electronically) will supplement the rules stated here.

RULE 2: ASSIGNMENTS

During this course you will complete three writing assignments: (1) an editing assignment; (2) an internal memorandum analyzing the merits and risks of bringing certain claims in a lawsuit; and (3) a memorandum of law in support of (or in opposition to) a motion to dismiss. In connection with the motion to dismiss memorandum, you will have a conference with me to discuss your first draft. After the conference, you will have an opportunity to revise your work before submitting your final product. You will also participate in an oral argument that supports your memorandum of law.

RULE 3: FORM OF WRITTEN ASSIGNMENTS

You must adhere to the citation form required by the twenty-first edition of A Uniform System of Citation (“The Bluebook”). All written assignments must be typed in Microsoft Word (Microsoft Word is available for you to download for free) on 8 1/2 x 11 inch paper and double-spaced with one-inch margins on all sides. The typeface should be Times New Roman, 12-point font. All pages should be numbered, with the page number located in the center of the bottom of each page. Failure to adhere to formatting guidelines will affect your grade. I am strict with formatting requirements because courts are strict with formatting requirements.

Further, this class requires active class participation. You have an obligation both to yourself and to your classmates to come prepared to class, to pay close attention, and to arrive promptly for all scheduled classes, conferences, workshops, and oral arguments. Unless otherwise specified, all assignments must be your own work product.

RULE 4: GRADING

Final grades will be based on the following criteria:

Objective Memorandum:	30%
Motion Memorandum (first and final drafts combined):	40%
Oral Argument:	10%
Class Participation:	20%

“Class Participation” includes timely attendance, attentiveness in class, preparation for class and conferences, contribution to class discussion, following rules and expectations in class, and performance on non-graded exercises – including the practice MPT. You cannot participate in class if you do not attend regularly, so class attendance is mandatory. Taking the practice

MPT is also mandatory. Points may be deducted from the final grade of any student who has two or more unexcused absences. Points may also be deducted from a student's final grade for repeated failures to arrive for class on time or for leaving class early.

Under the academic regulations, students who are absent from twenty (20%) percent of the regularly scheduled classes shall be automatically withdrawn from the course with a grade of F-Wd. Students are responsible for monitoring their own compliance with the attendance policy. Individual faculty (that's me) are not permitted to authorize absences in excess of the school's twenty percent limit.

RULE 5: TIMELY SUBMISSION OF ASSIGNMENTS

You are responsible for submitting assignments at the proper time and place. Any student who fails to submit an assignment at the proper time and place without permission is subject to a penalty of one-half grade per day late. Any assignment that is five or more days late may receive a failing grade.

RULE 6: EMAILS AND QUESTIONS

Should questions arise about an assignment, please contact me well in advance (at least 48 hours) before the assignment is due. Your emails to me about assignments or any other issues should be professional in tone and timing. Drafting effective, professional, and persuasive emails is a critical part of practicing law, and you should use your correspondence with me as an opportunity to practice this important skill.

RULE 7: THE WRITING SPECIALIST

Vermont Law & Graduate School's Writing Specialist, Meg York, is available to help you with the mechanics of your writing, including grammar, punctuation, sentence structure, paragraph structure, and organization. You can meet with Professor York at any time, including before you submit a draft of your work for my review. Contact Professor York at WritingSpecialist@vermontlaw.edu for a virtual appointment.

RULE 8: THE HONOR CODE

The VLGS Honor Code governs your work and conduct in this course. Whenever you use the words or ideas of another writer, you must acknowledge the original source. Cite the original source even if you put another person's ideas in your own words. The assignments you submit must be your own work product and **not the work of another or of Generative AI**. Contributions from anyone or anything else – including AI sources – must be properly quoted and cited every time they are used. You may not give an outline, draft, list of cases, Generative AI prompts, or a completed assignment to another student.

This rule covers all materials and applies to every sentence. Citing a source once in a paragraph when the source is mentioned in every sentence is unacceptable. 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. There are opportunities to work cooperatively and collaboratively with classmates during the semester. Unless otherwise specified, however, the writing assignments must be your own work product. You may not receive assistance on your writing from anyone other than me, the TAs, the ASP Mentors, or the Writing Specialist. When you finish reading this entire syllabus, email me with the subject line “Syllabus Challenge.”

RULE 9: ACCOMMODATIONS FOR DISABILITIES

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

On that webpage, there is also an online form to complete and upload your supporting documentation. If you have questions, please contact the Vice Dean for Students, Joseph Brennan.

CLASS SCHEDULE

<u>Class</u>	<u>Date</u>	<u>Reading Assignment</u>	<u>Written Assignment</u>	<u>Class Agenda</u>
1	1/13	-Ensure access to Canvas page -Read Syllabus & Class Schedule		Introductions; discuss course goals and expectations; discuss aims and importance of legal writing.
2	1/15	Messing pp. 245-263		Discuss principles of good legal writing and editing. Distribute Assignment #1.
3	1/22	Brian Porto, <i>You Convinced Me</i> (reading and exercises) (Canvas → Files → Readings)		Continue discussing principles of good legal writing and editing.
4	1/27	-Read Assignment 2 – Objective Memo (Canvas → Assignments) -Read: From Memo to Appellate Brief -Read: Bryan Garner, <i>Legal Writing in Plain English</i> , Appendix B (sample research memo) (Canvas → Files → Readings)		Discuss objective and client memoranda; review IREAC. Discuss Assignment #2 – Objective Memo.
5	1/29	Read Objective Memo Cases for Assignment 2 (Canvas → Files)	Assignment 1 (Edited Memo) due at 8:00 a.m. on Canvas	Continue discussing Objective Memo Assignment. IREAC exercise

6	2/3	-Read Citation tips (Canvas → Files → Readings) -Bring your Bluebook to class		Citations 101
7	2/5	Messing pp. 209-225		Motions: discuss different types of motions; focus on motions to dismiss—standard, what court can consider, and accepting complaint as true.
8	2/10	- <i>City of NY v. BP et al.</i> (Defendants’ motion to dismiss) (Canvas → Files → Readings) -Messing pp. 193-207		Motions: discuss components of a motion to dismiss; focus on preliminary statement and legal standard. Introduce Assignment #3: Motion to Dismiss.
9	2/12	Messing pp. 3-20, 21, 33-53		Motions: discuss statement of facts and procedural history; discuss how to use facts persuasively.
10	2/17	-Messing pp. 55-78 -Read Assignment #3 (Canvas → Assignments → Assignment 3 – Motion to Dismiss (First Draft))		Motions: discuss legal standard vs. rule; building arguments based on authorities; CREAC.
11	2/19			Writing Workshop
	2/24		Assignment 2 (Objective Memo) due on Canvas by 8:00 a.m.	
12	2/24	-Messing pp. 97-111 -Skim Messing pp. 113-158		Motions: discuss using facts in legal arguments and different types of arguments.

13	2/26	Messing pp. 79, 161-174		<p>Motions: discuss organizing arguments and point headings; anticipating your adversary's arguments.</p> <p>Discuss plan for writing your brief.</p>
	3/3	No Class—Spring Break		No Class—Spring Break
	3/5	No Class—Spring Break		No Class—Spring Break
14	3/10	<p>Watch Westlaw or Lexis Training Videos (available on Westlaw Training Tools or Lexis Learn)</p> <p>(see Canvas → Files → Lexis/Westlaw Materials for instructions on how to access)</p> <ul style="list-style-type: none"> • <u>Required:</u> Assigned videos • <u>Optional:</u> all other videos 		Research Refresher
15	3/12	<p>-Garner, <i>How to Punctuate, Legal Writing in Plain English</i>, Appendix A (Canvas → Files → Readings)</p> <p>-Optional grammar videos: https://law.uoregon.edu/academics/centers/lrw/resources</p>		Grammar Refresher
16	3/17	<p>Read Editing Checklist (Canvas → Files → Readings)</p> <p>Come to class with any questions about your brief</p>		<p>Discuss persuasive writing, polishing, and editing.</p> <p>Q&A on brief writing</p>
17	3/19			Polishing and editing workshop
	3/21		First Draft of Assignment 3 (Motion to Dismiss) due on Canvas by 8:00 a.m.	

18	3/24	-Bluebook exercises on Lexis+ Interactive Citation Workstation (see Canvas → Files → Lexis/Westlaw Materials for instructions on how to access) <ul style="list-style-type: none"> • <u>Required</u>: Comprehensive Core Exercises • <u>Optional</u>: all other exercises (try them out!) -Bring your Bluebook to class		Citation Jeopardy
19	3/26	The Trial Court Bench Memo		Discuss judicial clerkships. Discuss differences between advocacy and judicial writing; key features of bench memos.
	3/31	No Class—Conferences		No Class—Conferences
	4/2	No Class—Conferences		No Class—Conferences
20	4/7	Oral Argument: A Guide to Preparation and Delivery for the First-Timer		Discuss oral arguments
21	4/9	-Read and watch MPT prep materials (Canvas → Files → Readings → MPT)		Discuss oral argument and MPT
22	4/14			Oral argument practice
23	4/16			Take Practice MPT
	4/21			No Class—Oral arguments
	4/23			No Class—Oral arguments
24	4/28			Final class—wrap up and course evaluations