Legal Research & Writing: Syllabus

OHJD Fall 2025
Prof. Jason Dykstra

This document contains the course policies that govern our time together this semester as well as the schedule of assignments and topics for each class meeting. The policies cover three main areas: how we interact, how you meet professional expectations and requirements, and how you are assessed.

A. **How We Interact**

1. **Course Expectations**: We primarily interact in two ways: during class meetings and during one-on-one or small group meetings outside of class.

    My expectations for everyone's classroom behavior:
    Respect for the thoughts, ideas, and speech of classmates and faculty is the foundation of the educational process. Our time together happens in an accountable space. We are each responsible to enter the class meetings being responsible for our intentions, words, and action. While we each enter with good intentions, we must be committed to learning from each other and aligning our actions with our intentions.

    My expectations of you as individuals:
    Prepare for You Coursework: I expect you to review the assigned material by the date under which it is listed, study and consider that material on your own and participate in activities and assignments presented in each module. I understand, though, that we are all human and have pressures and responsibilities outside of this course. Please let me know if something is impeding your preparation so that I can help you succeed both at VLGS and in your chosen career.

    Timely Submission of Assignment: You are responsible for submitting assignments at the proper time listed in the schedule and on Canvas.

Regular Attendance: Pursuant to Vermont Law and Graduate School academic regulations, any student who is absent from more than 20% of regularly scheduled classes shall be automatically withdrawn from the course with a grade of F-Wd. (VLGS Academic Regulations, II.A.1.b).

Your expectations of me:
My primary job is to be available to you and to help you succeed in this course and in law school. I am happy to meet during Office Hours, answer questions via email, and meet in person during the residential period.

I will be available to answer e-mails and other asynchronous inquiries at least five days each week and will endeavor to answer questions within 48 hours. Email is always the best way to reach me.

I will post timely announcements as appropriate to this course, including any changes to the schedule or assignments.

2. <u>Office Hours</u>: I hold office hours via Teams and by appointment on Thursdays. You may sign up for office hours on Canvas for any time that is available. To meet me, however, you must sign up at lease twenty-four hours in advance.

    I am also available to meet with you outside of these times. You may email me to set up an appointment.

3. <u>Limits on Our Meetings</u>: I will not meet you during class times for the other first-year courses. I will also delete emails sent during these class times.

    To discourage procrastination and to keep a level playing field, I will not discuss the Memo Asignments just before the assignment is due; this "blackout period" begins twenty-four hours before the assignment is due.

    I will not edit your work. The most useful way to receive meaningful assistance is to ask specific questions.

    I will not discuss the Memo Assignments for the first twenty-four hours after returning it to you. This period should allow you to read my comments carefully and to reflect on your work before meeting with me.

B. <u>How You Meet Professional Expectations</u>

1. <u>Honor Code</u>: Vermont Law and Graduate School is a community of adults and professionals committed to the principles of academic integrity and honesty which are the underpinnings for the responsible exercise of academic freedom. As an expression of this commitment, Vermont Law and Graduate School has developed an Honor Code with attendant procedures to deal with instances of academic dishonesty and misconduct which may occur in connection with any aspect of a student's work and performance in curricular endeavors. It is the duty and responsibility of all members of the Vermont Law and Graduate School community to report any known or suspected violations of this Honor Code. (VLGS Academic Regulations, I.A.).

   The Vermont Law School Honor Code governs your work and conduct in this course. In addition, this course has limits on using the work of others, collaborating, and using generative artificial intelligence that supplement the VLGS Honor Code.

2. <u>Plagiarism</u>: Plagiarism is strictly prohibited. For LRW, the following definition of plagiarism controls.

   A student has engaged in plagiarism when the student represents the work of another person as the student's own work. This means taking the literary property of another without attribution, passing it off as one's own, and reaping from its use any unearned benefit. Plagiarism includes directly quoting or paraphrasing another's work without proper attribution, irrespective of whether the other's work is published, available on a database, or unpublished in any form.

   Please note the following:

   Proper attribution means that a student is required not only to cite the source of the words or ideas but also to indicate with quotation marks when the words used are not the student's own. Failure to place quotation marks around language taken from a source is plagiarism, *even if the source is cited.*

   A student's intent to plagiarize is irrelevant. For example, if a student simply forgets to cite appropriately to a source or if a student simply forgets to use quotation marks for language taken from a source, the student has plagiarized. Students should take careful notes to avoid inadvertent plagiarism.

3. <u>Use of Generative Artificial Intelligence</u>: 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 <u>prohibited</u> in connection with your work <u>in all aspects of this class</u> except in situations where I have expressly given permission to do so.** If you aren't sure whether something is permitted, ask.

4. <u>Collaboration Policy</u>: Students are permitted to discuss assignments and share their ideas with each other. In fact, collaboration at the idea stage is encouraged. However, the work product that students hand in (for graded and ungraded assignments) must be their own.

    What you can do: You are permitted to talk about all assignments with other students. You are also permitted *and encouraged* to discuss the issues, research, and analysis, and share materials unless instructed otherwise by me. You are permitted to consult librarians for research projects. And you are permitted to share your writing with the writing specialist (see below for information on contacting the writing specialist).

    What you cannot do: You are not permitted to collaborate in the writing process, and you may not read the written work of another student. The written product must be your own work; you are not permitted to copy another student's work and hand it in as your own. <u>You are not permitted to seek assistance on any written assignment from anyone other than me or the writing specialist.</u> This means that you cannot have another person read your written work (including a spouse, an attorney, or anyone else). While you are permitted and encouraged to discuss and share ideas with other students, you are not permitted to divide up assignments or research tasks with other students.

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

6. <u>Format Requirements for the Memo Assignments</u>: You will submit these assessments anonymously, and to ensure that I cannot identify the author, each paper must follow the format requirements posted on Canvas for that assignment.

C. <u>How You Are Assessed</u>

1. <u>Assessments</u>: This course includes three major assessments, the completion of the CGL lessons and Post-Test, and other assignments. We will discuss in class the applicable standards that I use for grading each major assessment; I use detailed rubrics for the Memo Assignments.

   Other assignments can form the basis for class discussions or may be turned-in for a P/F grade; assignments receiving an F must be redone until a P grade is achieved. *To pass the class, you must pass each P/F assignment.*

   Core Grammar for Lawyers include self-paced lessons leading to a post-test. The instructions to sign up for this platform are posted on Canvas. *The post-test score counts for 10% of your final grade.*

2. <u>Late Penalties</u>: Students are responsible for submitting assignments on time. Any student who fails to submit an assignment on time will receive a grade deduction for that assignment. The deduction will equal 10% of the total point value of the late assignment and will be assessed for each day that the assignment is late. Assignments turned in more than five days past the assignment's deadline will receive a zero.

3. <u>Grade Weight and Distribution</u>:

(1) Memo One	15%
(2) Research Quiz	20%
(3) Memo Two	55%
(4) CGL Post Test	10%

   The curve for all LRW classes is a B to B+.

Date/Class	Topics	Complete Before Class	Assignments Due After Class
		Module 1: Skills Development	
Orientation August 21	− Goal of Legal Writing − Introduce: CREAC − Introduce: Predictive Writing − Practice: Identifying Rules		
Class 1 August 25	− Introduction to the Legal System − Critical Reading − Introduction to Legal Research	− PGLA Ch. 2 & pgs. 45-64 − Handout: Strategic Reading − Handout: How to Read a Judicial Opinion − Handout: Introduction to Legal Research − *State v. Bell* Exercise	− CGL Pre-test due
Class 2 September 5 2:15-3:30	− Understanding the Law − Rule Synthesis − Legal Citation	− PGLA Ch.'s 3-4 − Handout: Legal Citation Basics − Watch: Intro to the ALWD Guide	
Class 3 September 6 1:45-3:00	− Analysis & Reasoning − One Legal Argument − Legal Citation: Frequency & Placement	− PGLA Ch. 6 − ALWD Rules 1-5 & 34 − Handout: Star pagination − Dangerous Weapon CREAC assignment materials	− <mark>Dangerous Weapon CREAC due by September 14 at 11:59 p.m. (Eastern)</mark>
Class 4 September 15	− Review CREAC − Analysis & Reasoning, cont. − Introduction to Researching Cases & Statutes	− PGLA Ch's 7-9 − Handout: Researching Cases & Statutes	− Legal Research Worksheet 1 − <mark>Revised Dangerous Weapon CREAC due by September 18 at 11:59p.m. (Eastern)</mark>
Class 5 September 22	− Memo One Assigned − Legal Memos − Statements of Fact − Introducing & Connecting Legal Arguments − Legal Citation, case names & statutes	− PGLA Ch.'s 1, 12 &14 − ALWD Rules 11, 12, & 14, Appendix 1(B) for Oregon − Watch: Creating Correct Citations − Memo One Assignment Materials	− <mark>Research Worksheet 1 Due: September 21 at 11:59 p.m. (Eastern)</mark>
Class 6 September 29	− SOF, continued − Macro Organization, continued	− PGLA Ch. 16 − Handouts on Editing	

	– Editing & Polishing		

Memo One Due **Due By October 5 by 11:59 p.m. (Eastern)**			

Module 2: Legal Research & Citation			

Class 7 October 6	– Legal Research: Research Methods & Strategies – Legal Citation	– Review: Handout: Introduction to Legal Research – Review: Handout Researching Cases & Statutes – Read: Handout Research Methods & Strategies – Review: ALWD Rules 1-5, 11, 12, 14 & 34 – Review: Handout Legal Citation Basics – Read: ALWD Appendix 1(A)	
Class 8 October 20	– Legal Research: Citators – Legal Citations, continued	– Handout: Citators	

Legal Research & Citation Quiz **Due by October 26 at 11:59 p.m. (Eastern)**			

Module 3: Skills Refinement			

Class 9 October 27	– Prewriting – Organizing Legal Authority – Outlining Discussion Sections	– Memo Two Assignment Materials	
Class 10 November 3	– Memo Two Discussion Section – R & E Sections – Quoting in Legal Documents – Clear, Concise, Correct & Complete Legal Writing	– Handouts on Writing – ALWD Rules 38-40; Appendix 1(B) for California – Review PGLA Ch. 7	Legal Research Worksheet 2 Due: November 2 by 11:59 p.m. Eastern
Class 11 November 10	– A Sections – Introducing & Connecting Legal Analyses – Clear, Concise, Correct & Complete Legal Writing	– Review PGLA Ch.'s 8, 9 & 12 – Handouts on Writing	
Week of November 17	Mandatory Conferences Draft Discussion Section Due 48 hours prior to your conference		
Class 12 November 24	– Statement of Facts – Conclusion Sections	– PGLA Ch. 15 – Review PGLA Ch. 14	

	– Revising the Discussion Section	– Handouts on Writing	
Class 13 December 1	– Finalizing Open Memo	– Review Handouts on Editing & PGLA Ch. 16	– CGL post-test due
Memo Two **Due by December 7 at 11:59 p.m. (Eastern)**			

Learning Outcomes: By the end of this course, 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-analysis.
10. Practice using key principles of plain language to express your analysis clearly and concisely.
11. Practice proper citation format with constitutions, statutes, cases, and regulations.