

LEGAL WRITING II
SECTION 5: MONDAY & WEDNESDAY, 2:10-3:25
SPRING 2024
PROFESSOR GREG JOHNSON
SYLLABUS & CLASS SCHEDULE

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INTRODUCTION AND OVERVIEW

This class builds on Legal Research & Writing with a series of objective, persuasive, and oral advocacy assignments. My goals for you this semester are:

1. Proficiency in state and federal research
2. Proficiency in analogical and rule-based reasoning
3. Proficiency in use of authority
4. Proficiency in citation placement and formatting
5. Proficiency in the three C's of legal writing (clarity, conciseness, completeness)
6. Understand how to use generative AI to complement research and writing
7. Understand oral advocacy purpose and technique
8. 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 Law Review Ass'n et al. eds., 21st ed.).
- Other materials posted on Canvas

GRADING

Discussion Section	15%
Bench Memo	30%
Trial Court Motion Assignment	40%
Oral Argument	15%

ASSIGNMENT SUBMISSION

Assignments are due on Canvas. Assignments must be submitted in Microsoft Word. Any student who fails to submit an assignment on time 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. Any assignment submitted in the wrong file type without prior permission will also receive a 10% deduction.

I will grant extensions in only the most exceptional circumstances.

GUIDELINES FOR COURSE WORK

First, you must adhere to the citation form required by the Bluebook. All written assignments must be typed on 8 ½ 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, including the first page, should be numbered, with the page number located in the center of the bottom of each page. The first line of each new paragraph must be indented one Tab (1/2 inch). No extra spacing between paragraphs (careful, Word likes to add extra spaces).

Second, 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 must receive permission from me before receiving assistance on your writing from any source other than class teaching assistants, 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.

ATTENDANCE

Class attendance is mandatory. Students with more than four absences (including classes and all required meetings, conferences, and arguments) will receive a failing grade for the course.

LEGAL WRITING II
COURSE SCHEDULE

WEEK	DATE	CLASS AGENDA	READING ASSIGNMENT	WRITTEN ASSIGNMENT
1	January 17	Course introduction; CREAC refresher	Course syllabus and schedule	
2	January 22	Discuss assignment	Objective Discussion Assignment (on Canvas)	
	January 24	Discuss assignment; discuss citing law review articles	<i>Bluebook</i> Rule 16 and Table 13	
3	January 29	Writing review; writing in plain language, paragraph structure and transitions, topic sentences		
	January 31	Review hierarchies of authority, citation use and format		
	February 4			Objective Memo due on Canvas by 11:59 p.m.
4	February 5	Introduction to clerking and persuasive writing	A Day in the Life of a Law Clerk (on Canvas) <i>Parker v. Connors Steel Company</i> (on Canvas) An Advocate Persuades, Introduction (pgs. xxi-xxii) & Chapter 1 (pgs. 5-15)	
	February 7	Discuss assignment and assigned reading	Bench Memo Assignment (on Canvas)	

			<i>Sheetz v. County of El Dorado</i> , 84 Cal. App. 5th 394 (2022)	
5	February 12	Discuss assigned reading	<i>Nollan v. California Coastal Commission</i> , 483 U.S. 825 (1987) An Advocate Persuades, Chapter 4 (pgs. 83-93)	
	February 14	Discuss assigned reading	<i>Dolan v. City of Tigard</i> , 512 U.S. 374 (1994) <i>Koontz v. St. Johns River Water Management District</i> , 570 U.S. 595 (2013)	
6	February 19	Discuss assigned reading	Petitioner's Brief Respondent's Brief	
	February 21	Discuss persuasive drafting	An Advocate Persuades, Chapter 5 (pgs. 95-128)	
	February 23			Bench Memo first draft due on Canvas by 11:59 p.m.
7	February 26	No class—first draft conferences		
	February 28	No class—first draft conferences		
8	March 4	Spring break		
	March 6	Spring break		

	March 10			Bench Memo final draft due on Canvas by 11:59 p.m.
9	March 11	Discuss motion assignment; becoming an ethical and professional advocate	Motion Assignment (on Canvas) An Advocate Persuades, Chapter 2 (pgs. 17-24)	
	March 13	Introduction to Lexis+ AI	CJ Roberts 2023 Annual Report on the Judiciary (on Canvas)	
10	March 18	Introduction to trial court motions and motion practice	An Advocate Persuades, Chapter 8 (pgs. 181-212)	
	March 20	Citation review and workshop	An Advocate Persuades, Chapter 6 (only pgs. 152-59)	
11	March 25	Organizing claims and arguments	An Advocate Persuades, Chapter 3, Section 3.1 (pgs. 29-48)	
	March 27	Drafting persuasive analogical, rule-based, and factors arguments	An Advocate Persuades, Chapter 3, Sections 3.2-3.5 (pgs. 49-82)	
12	April 1	Drafting persuasive point headings and paragraphs	An Advocate Persuades, Chapter 6, Sections I-III (pgs. 125-43)	
	April 3	Drafting persuasive sentences, and quotations; Q/A on Motion Assignment	An Advocate Persuades, Chapter 6, Sections IV-V (pgs. 143-52)	

	April 7			Motion 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 (pgs. 331-51)	
14	April 15	No class—final oral arguments		
	April 17	No class—final oral arguments		
15	April 22	Introduction to the MPT		
	April 24	In-class MPT		
16	April 29	Final class—course debrief, evaluations, etc.		