

LEGAL WRITING II: CIVIL RIGHTS LAW

Vermont Law School – Spring 2018

Professor Rebecca E. Zietlow

Syllabus and Schedule

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Class: Mondays and Wednesdays, 9:55-11:10

Office Hours: Mondays and Wednesdays, 1:30 – 3:00 and by appointment

INTRODUCTION AND OVERVIEW:

In this class, you will practice the fundamentals of good legal writing and analysis through work on selected problems in civil rights law. As a member of this class, you will be assigned to be a new associate of either the civil rights law firm, Good, Bright and Able, or the corporate counsel's office for the city of Ann Arbor, Michigan. In this class, we will discuss substantive civil rights law, and learn how to use your knowledge of the law, and your legal writing and analysis skills, to effectively represent a client in a civil rights case.

The class begins with a review of basic writing skills and grammar. In addition, you are required to attend the Negotiation and Drafting Workshop on Saturday, January 13th. Next, you will draft an objective office memorandum on the law applicable to the plaintiff's civil rights case.

You will be assigned to a group within your firm to prepare discovery documents, including interrogatories and questions for the deposition of a witness in the case, and you will participate in a deposition of a leading witness in the case. I will grade your participation in the deposition based on your professionalism and oral presentation skills.

You will then draft a pre-trial document – a motion for summary judgment on behalf of our client, and argue the motion for summary judgment. I will critique your first draft of the summary judgment motion, and meet individually with each of you before you hand in your final draft.

We will end the semester with an in-class Multistate Performance Test (MPT), which is part of most jurisdictions' bar exam. You will also complete several non-graded exercises, including the McAlpin editing assignments, a citation assignment, and an email exercise.

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

- 1) Demonstrate professionalism in legal communication.
- 2) Use basic principles of good legal writing to communicate effectively with diverse audiences.
- 3) Explain concepts orally in formal and informal presentations.
- 4) Apply objective writing techniques in a variety of factual and legal scenarios.
- 5) Demonstrate persuasive writing techniques to influence an outcome.
- 6) Employ techniques for time management, self-reflection, feedback, and collaboration necessary for academic study, bar exam, and professional practice.

REQUIRED MATERIALS

Megan McAlpin, *Beyond the First Draft: Editing Strategies for Powerful Legal Writing* (Carolina Academic Press 2014)

Materials on the class TWEN website

A Uniform System of Citation (20th Ed.) (“The Bluebook”)

GRADING

20%	Objective memorandum
10%	Interrogatories and deposition questions
5%	Oral presentation at deposition
35%	Motion for Summary Judgment and memorandum in support (two drafts)
10%	Oral Argument
10%	MPT
10%	Class Participation (including timely attendance, successful and timely completion of non-graded assignments and exercises, contribution to class discussions preparation for conference and preparation for practice oral argument)

EMAIL

The main way that I will communicate with you is through your VLS email account. I expect you to check your VLS email at least daily. I also expect that any email to me will be professionally written.

TIMELY SUBMISSION OF ASSIGNMENTS

Students are responsible for submitting assignments at the proper time and place. Any student who fails to submit an assignment on time in the correct manner without prior permission from me will receive a penalty of one half grade per day late. Any assignment that is 7 days late will automatically receive a failing grade.

METHOD OF SUBMITTING ASSIGNMENTS

Unless otherwise notified, students must submit their assignments on TWEN in Microsoft Word. If you don't have Microsoft Word, you may use the computers in the computer lab to complete your assignments in Microsoft Word. You may not miss my class or any other class on the day the assignment is due (unless excused). You may not resubmit your assignment after submitting it on TWEN.

GUIDELINES FOR COURSE WORK

First, you must adhere to the citation form required by A Uniform System of Citation (20th Ed.) ("The Bluebook"). All written assignments must be typed on an 8 ½ by 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) should be numbered, with the page number located in the center of the bottom of each page.

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. If you put another person's idea into your own words, you still need to cite the source. This rule applies to all sources, including, but not limited to, articles, cases, statutes and treatises. You must use a citation at the end of *every* sentence (*not* merely every paragraph) in which you use the source. NEVER COPY FROM ANY WRITTEN MATERIAL WITHOUT ACKNOWLEDGING THE SOURCE. It is also a violation of the Honor Code to use a former or current student's work or look at materials which I have asked you not to look at. This course provides many opportunities to work cooperatively with other students, and I encourage cooperative learning. However, unless otherwise indicated, all of your assignments must be your work product, and only yours. You may not receive assistance from anyone other than me, the ASP mentors, or the Writing Specialist. Failure to follow these instructions also violates the Honor Code.

Finally, this course requires active and responsible class participation. You have an obligation to yourself and your classmates to come prepared for class and to arrive promptly for all scheduled classes, conferences, workshops and oral arguments.

CLASS ATTENDANCE

Class attendance is mandatory. An unexcused absence may affect your grade. Students will three or more unexcused absences will receive a failing grade of “F” for the course. Prior notice of an absences does not mean that the absence is excused. An absence will only be excused for illness or other compelling emergency. Two tardies equals one unexcused absence.

READING AND ASSIGNMENT SCHEDULE

<u>CLASS</u>	<u>ASSIGNMENT</u>	<u>AGENDA</u>
Monday, January 8	Read Syllabus and Assignment Schedule; Complete Assignment #1 - Grammar Diagnostic Exercise (on TWEN) and Bring to Class	Students Introductions; Course Introduction and Overview
Wednesday, January 10	Fourth Amendment and Excessive Force Reading #1 (<i>Tennessee v. Garner</i> and <i>Graham v. Connor</i>) – TWEN	Introduction to Fourth Amendment Excessive Use of Force law; Preview Negotiation and Drafting Workshop
Saturday, January 13	Attend Negotiation and Drafting Workshop	TBA
Monday, January 15		NO CLASS MLK DAY
Wednesday, January 17	McAlpin pp. 5-27	Discuss principles of good legal writing and editing

Monday, January 22	Assignment #2 (McAlpin Editing Exercise pp. 28-31) Due in class Taser problem – TWEN Reading A: Citations - TWEN	Discuss editing exercise; Discuss Taser Closed Office Memo problem; Citations 101
Wednesday, January 24	Taser problem Fourth Amendment and Excessive Use of Force reading #2 (<i>Bryan v. McPherson, Buckley v. Rackard</i>) – TWEN	Discuss case law
Monday, January 29	Assignment #3 (citations) due on TWEN 8:00 am	Discuss assignment #3 Review objective memorandum writing; Review IRAC
Wednesday, January 31	McAlpin pp. 33 – 58	Discuss “vigorous writing”
Monday, February 5	Assignment #4 (“vigorous writing”) due at beginning of class	Guest speaker: Julio Thompson, Assistant Attorney General, Director, Civil Rights Unit, Office of Vermont Attorney General
Wednesday, February 7	McAlpin pp. 63-89	Discuss clear writing
Monday, February 12	<u>Assignment #5 (Objective Memorandum) due 8:00 am on TWEN</u> Discovery Rules – TWEN	Discuss drafting discovery Group work – prepare interrogatories and draft deposition questions

Wednesday, February 14		Guest speaker – TBA
Monday, February 19	McAlpin, pp. 89-100 Assignment #7 McAlpin Clear Writing Exercise Due in Class F.R.Civ.P. 56 - TWEN	Discuss clear writing, McAlpin Exercise; Discuss Summary Judgment motion assignment
Wednesday, February 21	Bring additional authorities to class	Guest speaker TBA - Research refresher
Monday, February 26	<u>Assignment #6 (Interrogatories and Draft Deposition Questions) due 8:00 am on TWEN</u>	Deposition – Plaintiff and Plaintiff’s witness
Wednesday, February 28		Deposition – police officers
Monday, March 5 – Wednesday, March 7		NO CLASS – SPRING BREAK
Monday, March 12	McAlpin pp. 105-129	Discuss proof-reading and polishing writing
Wednesday, March 14	McAlpin pp. 129-139 Assignment #8 - McAlpin Polished Writing Exercise due in Class	Discuss polished writing

Friday, March 16	<u>Assignment # 9 - Draft of Summary Judgment Motion due 8:00 am on TWEN</u>	
Monday, March 21 Wednesday March 23	Conferences – prepare written agenda for conference (corrected drafts will be returned by email no later than 8pm the night before your conference) <u>Final Draft of Assignment #9 due two weeks after conference at 8:00 am on TWEN</u>	NO CLASS
Monday, March 28	Email Reading on TWEN	Discuss drafting business emails
Wednesday, March 30	Contract Drafting Reading on TWEN	Discuss drafting agreements
Monday, April 2	Oral Argument Reading on TWEN	Discuss Oral Argument
Wednesday, April 4		Guest Speaker - TBA
Monday, April 9		In class Oral Argument exercise

Wednesday, April 18	Practice Oral Arguments <i>(Exact time and date TBD)</i>	NO CLASS
Monday, April 23	Final Oral Arguments <i>(Exact time and date TBD)</i>	NO CLASS
Wednesday, April 11		Introduction to the MPT
Monday, April 16	Bring laptops to class	Practice MPT