

Foundations of Legal Analysis

Fall 2021 – Durkis-Stokes Canvas Page
Tuesday/Thursday: 12:45 p.m. – 2:00 p.m. (Vermont Time)
Oakes 211

Instructor: Professor Jessica Durkis-Stokes
Email: jdurkisstokes@vermontlaw.edu
Office hours: By appointment (see Office Hours below)

Class Structure

Although this course is 2 credits, it meets for 3 credit hours each week. The reason for this is that there are several dates later in the semester when we do not meet. The course is intentionally front-loaded so you will learn the skills introduced earlier in the semester and then have time to apply them to your classes later.

Course Goals

The goals of this course are to:

1. Master fundamentals required for good legal analysis, including case briefing, note taking, outlining, and efficient class participation
2. Afford opportunities for you to practice your legal analysis through in-class exercises and practice exams
3. Explore bar-style MC questions
4. Improve work through incorporating individualized feedback

Learning Outcomes

Upon successful completion of this course, students will be able to:

1. Create briefs and outlines for courses
2. Apply rules to hypotheticals
3. Analyze and explain outcomes when given a rule
4. Diagnose areas of needed improvement in courses

Course Materials

Required Texts:

Materials posted on Canvas

Zero-L: <https://exed.canvas.harvard.edu/login/canvas>

Kaplan Kickstart: <https://www.kaptest.com> (we will do several MC problems). You will get an e-mail with this access at the start of the semester

Practice Materials:

WestLaw Supplements: <https://subscription.westacademic.com/> (use WestLaw login information)

CALI: <https://www.cali.org> (VLS code on ASP TWEN site)

Office Hours

I will hold office hours by appointment. You can schedule an appointment with me by contacting me via email or by contacting Katrina Munyon (kmunyon@vermontlaw.edu).

Grading

This is a two-credit pass honors/pass/low pass/fail course. There is no final exam or final paper for this course. Rather, your grade will be based on the following:

1. Class attendance and participation
2. Timely submission of assignments
3. Performance on in-class exercises and practice exams
4. Presence at individual meetings
5. Any other assignments that the professor determines necessary

All assignments are due by 11:59 PM the date prior to class, unless otherwise indicated. If any of these assignments are not completed by the assigned time (or are completed in a manner not satisfactory to the professor), it is at the professor's discretion to determine if and how the student can make up the required work. Additionally, all students must comply with the attendance policy below and be ready and prepared to participate in each class. Quality of work, timeliness of all work, class participation, and attendance will all be factored in determining your grade for the course.

Attendance Policy^[1]

Attendance is mandatory for this class. A student will be counted as absent if he/she is not present within 10 minutes of the scheduled start time of the class. If a student misses more than 3 classes, that student will fail the course due to absence. A student will be counted as tardy if he/she arrives after the scheduled start of class, but before 10 minutes after the scheduled start. If a student is tardy twice, it is counted as an absence. The professor reserves the right to award positive or negative class participation points based on timely class attendance and participation. You will be responsible for all material covered in any class you miss and may be required to complete make-up work at the professor's discretion.

Absences resulting from serious illness, religious observance, and/or significant personal emergency may be considered excused if you give notice prior to the class you must miss. However, prior notice of an absence does not automatically qualify your absence as "excused." This will be assessed on a case-by-case basis and will only be granted in extraordinary circumstances. The presumption is that an absence will not be excused and will count to one of your 3 permitted unexcused absences. Examples of circumstances that may warrant an excused absence are hospitalization, death in the family, or the like.

Weather/Emergencies

We are located in Vermont, and as such, there is always the potential for a weather-related closure during the winter months. Please sign up for emergency notifications with the school and monitor your email and/or text messages in the event of inclement weather. If the weather is questionable but the school has not officially closed for the day, class may be held class virtually over Teams/Zoom. If other emergencies occur that prevent me from conducting class, I will

reschedule our session for another day. If you are not able to attend due to an emergency, inform me as soon as possible. Again, prior notice of an absence due to weather or an emergency does not automatically qualify your absence as “excused” and will be assessed on a case-by-case basis.

Plagiarism

Students are cautioned to comply with the requirements of the Honor Code by avoiding plagiarism and other misconduct as provided in the student handbook. When in doubt about plagiarism, paraphrasing, quoting, or collaboration, consult the instructor.

You all know not to plagiarize, but some of you may conceivably be confused as to what plagiarism means in this context. Of course, you all know that you cannot quote another author without attribution. This includes web sites! Merely altering a few words does not permit you to omit quotation marks. In addition, it is also improper to paraphrase or borrow ideas from another, without attribution. If you got an idea from another author, cite that work. It is often appropriate to explain either in text or footnotes how your own argument differs from that previously made by others. You will find other articles’ sources/footnotes to be a rich source of information. However, to the extent that you rely on another article’s footnotes you must read all such sources yourself to make sure they really say what the other author said they said. It is never proper to cite a source you have not yourself read, unless you note that you are “citing Source A citing Source B.” This should only be done rarely, when that second source is important but cannot be located. To the extent you use other authors’ footnotes as starting points you will often find you need to update such footnotes, e.g., by citing to a more current statute or version of the book. If you have any questions regarding when cites are and are not needed, please ask me, or err on the side of citation. Plagiarism is an Honor Code violation that will result in an F in the course and a referral to the Vice Dean for Students for further action.

Title IX

Our school is committed to fostering a safe, productive learning environment. Title IX and our school policy prohibit discrimination on the basis of sex. Sexual misconduct – including harassment, domestic and dating violence, sexual assault, and stalking – is also prohibited at our school.

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

If you wish to speak confidentially about an incident of sexual misconduct, want more information about filing a report, or have questions about school policies and procedures, please contact our Title IX Coordinator, Professor Jeannie Oliver via telephone at: 802.831.1201, or via email at: joliver@vermontlaw.edu, or Dean Shirley Jefferson via telephone at: 802-831-1333, or via email at: sjefferson@vermontlaw.edu.

Our school is legally obligated to investigate reports of sexual misconduct, and therefore it cannot guarantee the confidentiality of a report, however, the above-noted resources can direct you to the appropriate resources for anyone wishing to discuss matters in confidence.

Your professors are also required to report incidents of sexual misconduct and thus cannot guarantee confidentiality. This includes any mention of sexual misconduct that you might make

in your written work. Your professor must provide our Title IX coordinator with relevant details such as the names of those involved in the incident.

Accommodations for Disabilities

If you have a disability and would like to request an accommodation please review our Disability Policy at Vermont Law School academic accommodations at: <https://www.vermontlaw.edu/community/students/academic-success/accommodations>.

On that webpage, there is also an on-line form you can complete to upload your supporting documentations. If you have questions, please make an appointment with the Vice Dean for Students. 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.

Syllabus

The professor reserves the right to amend or change this syllabus at any time as needed throughout the semester. The syllabus is a helpful guide intended to give you an overview of the course, but it is subject to be changed or supplemented at the professor's discretion. Please take the time to read and review this syllabus in detail.

Course Overview

Please note that because each class goes at its own pace, the exact timing is very likely to change somewhat as needed. However, to help you with your semester planning, this overview will hopefully give you a general idea of what we'll cover together and the order in which we'll cover it. The course is intentionally front loaded, in order to introduce concepts early in the semester, such that you will have ample opportunity to practice the skills covered prior to finals.

PLEASE SEE BELOW FOR THE FIRST FIVE ASSIGNMENTS IN THE COURSE:

| CLASS | DATE | HOMEWORK DUE PRIOR | COVERED IN CLASS |
|-------|---------|--|--|
| 1 | 8/30/21 | <ul style="list-style-type: none">• Submit completed My Legal Career Information Sheet (Link on Canvas) – Due 8/30/21 by 11:59 pm | <ul style="list-style-type: none">• Syllabus overview• Scheduling and structure of law school classes• Grading in law school• Course requirements |
| 2 | 9/1/21 | <ul style="list-style-type: none">• Have full schedule ready to go over in class | <ul style="list-style-type: none">• Scheduling• Note taking• Submit completed Weekly Calendar on |

| | | | |
|---|---------|--|--|
| | | | <p>Canvas - Due 9/2/21 by 11:59 pm</p> <ul style="list-style-type: none"> • Submit completed 2021 Fall Semester Calendar on Canvas - Due 9/2/21 by 11:59 pm |
| 3 | 9/6/21 | <ul style="list-style-type: none"> • Read U.S. Legal System Handout (handout on Modules in Canvas) • Watch ZERO-L Federal and State Law and Order of Authorities video • Watch ZERO-L The Federal Court System videos (parts 1 and 2) • Watch ZERO-L The State Court Systems video | <ul style="list-style-type: none"> • Discussion of the structure of the court system • Submit answers to U.S. Legal System Quiz to Teams TODAY – Due 9/6/21 at 11:59 pm |
| 4 | 9/8/21 | <ul style="list-style-type: none"> • Watch ZERO-L How to Read a Case - An Introduction video • Submit Contracts Brief (case TBD) to Canvas – Due 9/7/21 by 11:59 pm | <ul style="list-style-type: none"> • Briefing • Synthesis in Non-Legal Context |
| 5 | 9/13/21 | <ul style="list-style-type: none"> • Read Rule Synthesis Case Packet (handout on Canvas in Modules) | <ul style="list-style-type: none"> • Rule Synthesis |