

LEGAL RESEARCH & WRITING: AN INTEGRATED APPROACH
SYLLABUS & COURSE SCHEDULE
FALL 2022
PROFESSOR CATHERINE FREGOSI

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This is the first course in a yearlong cycle of instruction introducing you to the fundamentals of effective legal research, writing, and citation. In this course, you will learn and practice the basic skills necessary to succeed in the practice of law, whatever your chosen field. Next semester, in Legal Writing II, you will build on these basic skills to develop more sophisticated researching, writing, and citation practices. The premise of both courses is that research, writing, and citation weave together like a triple helix, each informing the other in the process called legal writing. We therefore teach the topics of research, writing, and citation as three aspects of the same process: your work product in both first-year writing courses requires that you practice researching, writing, and citation skills.

We use a spiraling method of instruction in these courses: We introduce core concepts such as hierarchies of authority, precedent, and stare decisis, as well as effective legal research and writing processes. Throughout the two semesters, we circle back to these concepts with increasingly complex analytical assignments. This semester, we focus on “objective” writing: the essential skill of predicting the likely outcome of a legal dispute based on an accurate and unbiased analysis of binding precedent applied to your client’s facts. Next semester, in Legal Writing II, we turn to the art of advocacy. You will draft persuasive arguments using the same skills you develop this semester, but in a writing style designed to persuade a court to rule in your client’s favor.

This course is divided into four Units. In Unit 1, we introduce you to the structure of, and relationship between, American legal systems and legal research systems. Understanding the hierarchies of authorities and the appropriate use of primary authority, and how to access that authority, is an essential predicate to effective legal analysis, so we begin there. Unit 2 focuses on how to construct a legal argument using the IREAC organizational structure (Issue/Rule/Rule Explanation/Analysis/Conclusion) and researching a project from start to finish. We also introduce the key principles of writing in Plain English in Unit 2. Unit 3 synthesizes the lessons of the semester with a final writing project using the Office Memorandum format. The course concludes in Unit 4 with an oral skills exercise, in which you present your legal analysis and advice to a supervising attorney.

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 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-arguments.
10. Practice using key principles of Plain English to express your analysis clearly and concisely.
11. Practice proper *Bluebook* citation format with constitutions, statutes, and cases.
12. Practice oral presentation skills.

Required Texts:

1. Kent C. Olson, et al., *Principles of Legal Research* (2020). Available through the [West Academic Study Aids](#) database (use your VLS login)
2. Christine Coughlin, et al., *A Lawyer Writes: A Practical Guide to Legal Analysis* (3rd ed. 2018).
3. Richard C. Wydick & Amy Sloan, *Plain English for Lawyers* (6th ed. 2019).
4. Harvard Law Review et al., *The Bluebook: A Uniform System of Citation* (21st ed. 2020).
5. Microsoft Office software, (free to you) from [VLS's IT website](#)

Grading:

Letter grades are based on the course assignments and class activities. Class activities include class preparation, class/conference attendance, class participation, and class exercises. Pursuant to Vermont Law School academic regulations, students who are absent from more than four regularly scheduled classes shall be automatically withdrawn from the course with a grade of F-Wd. See VLGS attendance policy in the Student Handbook for additional information on class attendance.

Grade Distribution:

(1) Unit 1 (Research and Citation Assignment)	25%
(2) Unit 2 (Discussion Section Assignment)	20%
(3) Unit 3 (Office Memorandum Assignment)	30%
(4) Unit 4 (Oral Skills Meeting Assignment)	10%
(5) Class Activities	15%

Class participation includes attending classes and conferences, participating in class discussion, meeting all deadlines, and completing all the assignments listed in the class assignment schedule below.

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.

Application of the Honor Code:

The Vermont Law & Graduate School 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 when you are paraphrasing the language of a judicial opinion or another person's ideas. The assignments you submit must be your own work product. You may not give an outline or a draft of an assignment to anyone else for their review and comment, including other students, friends, partners, etc. The only exception to this rule is that you may meet with the Writing Specialist to review your writing (see below).

The Writing Specialist:

Vermont Law School's Writing Specialist, Professor Jared Carter, 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 Carter before you submit a draft for my review. Contact Professor Carter at jcarter@vermontlaw.edu for an appointment.

COURSE SCHEDULE

Week	Date	Reading Assignment	Written or Other Assignment	Class Topic
Unit 1: What is Law? (And How to Find It.)				
1	August 30	<ol style="list-style-type: none"> 1. A Lawyer Writes, 15-22 2. Principles of Legal Research, Introduction: Context and Framework, pgs. 1-5 3. Preamble, Constitution of the Standing Rock Sioux Tribe (on Canvas) 4. Preamble, U.S. Constitution (on Canvas) 5. The Bluebook, review ix-xvi (Table of Contents), read 1-4 (Introduction and B1.1) and Rule 11 (citing Constitutions) 		An introduction to American legal systems
	September 1	<ol style="list-style-type: none"> 1. A Lawyer Writes, 22-31 2. Principles of Legal Research, Chapter 1, pgs. 9-30 3. Legal Research Process Chart (on Canvas) 4. <u>United States v. Cooley</u>, ___ U.S. ___, 141 S.Ct. 1638 (2020). (on Canvas) 5. <u>June Med. Servs. v. Russo</u>, ___ U.S. ___, 140 S.Ct. 2103 (2020). (on Canvas) 6. The Bluebook, Rules 10.1, 10.2, B2, and Table 6 	Attend a Lexis training session	Hierarchies of authority, an introduction to stare decisis, legal research process
	September 2		In a paragraph of 100-150 words, compare/contrast the Preambles of the U.S. Constitution and the Constitution of the Standing Rock Sioux Tribe. Due at 11:59pm on Canvas.	

2	September 6	<ol style="list-style-type: none"> 1. A Lawyer Writes, 33-43 2. Principles of Legal Research, Chapter 5, pgs. 99-146 3. <u>McGirt v. Oklahoma</u>, ___ U.S. ___, 140 S.Ct. 2452 (2020). (on Canvas) 4. The Bluebook, Rules 12.1-12.3 		Reading and researching statutes
	September 8	<ol style="list-style-type: none"> 1. A Lawyer Writes, 45-59 2. Principles of Legal Research, Chapter 11, pgs. 275-309 3. The Bluebook, Rules 10.3-10.5, Table 1 		Reading and researching judicial opinions
3	September 13	<ol style="list-style-type: none"> 1. A Lawyer Writes, 61-72 2. Principles of Legal Research, Chapter 12 §§ 12.1-12.3, pgs. 311-41 3. <u>Matter of Gentile</u> (on Canvas) 4. SCOTUS (cleaned up), 82 Or. St. B. Bull. 13 (2021). (on Canvas) 5. The Bluebook, Rules 10.6-10.7 		Finding your argument
	September 15	<ol style="list-style-type: none"> 1. A Lawyer Writes, 73-91 2. Legal Research, Chapter 12 § 12.4, pgs. 342-48 3. <u>United States v. Denezpi</u> (on Canvas) 4. Secondary Sources Research Guide, https://guides.loc.gov/law-secondary-resources 5. The Bluebook, Rule 10.9, 12.10 		Organizing your legal authority, using research citators, leveraging secondary sources
4	September 20	<ol style="list-style-type: none"> 1. A Lawyer Writes, 93-97 and 133-39 2. Principles of Legal Research, Chapter 8 § 8.2(a)-(b), pgs. 210-24 3. Legal Research Process Chart revisited (on Canvas) 		Regulations preview, formulating research plans, avoiding plagiarism, intro to Unit 1 assessment

	September 22	No class		
	September 23		Unit 1 Assessment released on Canvas at 8:00am	
	September 25		Unit 1 Assessment due by 11:59pm on Canvas	
Unit 2: Constructing a Legal Argument (IREAC)				
5	September 27	<ol style="list-style-type: none"> 1. A Lawyer Writes, 99-112 2. Plain English for Lawyers, 3-6 3. Welcome to Our Gender-Neutral Future (on Canvas) 4. The Bluebook, Rule 1.5 		Explaining the law, sources of rules and rule synthesis; introduction to the Plain English movement
	September 29	<ol style="list-style-type: none"> 1. A Lawyer Writes, 113-32 2. Plain English for Lawyers, 7-20 3. The Bluebook, Rule 6 4. Unit 2 Assessment prompt (on Canvas) 	Begin researching for the Unit 2 assessment, bring your research to class on October 4	Intro to the Unit 2 assessment, explaining the law through case illustrations
6	October 4	<ol style="list-style-type: none"> 1. A Lawyer Writes, 143-61 2. Plain English for Lawyers, 23-26 3. The Bluebook, Rule 8 		Applying the law through rule-based reasoning
	October 6	<ol style="list-style-type: none"> 1. A Lawyer Writes, 163-74 2. Plain English for Lawyers, 27-32 		Counter-analysis
7	October 11	No class—Fall Break		
	October 13	<ol style="list-style-type: none"> 1. A Lawyer Writes, 175-84 2. Plain English for Lawyers, 33-38 		Organizing your application of the law
8	October 18	<ol style="list-style-type: none"> 1. A Lawyer Writes, 211-27 2. Plain English for Lawyers, 39-54 		The discussion section, introducing and

				connecting legal arguments; brainstorming session on discussion section arguments
	October 20	1. Plain English for Lawyers, 55-68		Citation workshop
	October 21		Unit 2 Assessment due by 11:59pm on Canvas	
Unit 3: Applied Legal Analysis (The Office Memorandum)				
9	October 25	1. Plain English for Lawyers, 71-84 2. Legal Research, Chapter 7 §§ 7.1-7.2, pgs. 195-201, Chapter 8 §§ 8.2(c)-8.3 and Chapter 9 § 9.1(a)-(c), pgs. 224-247 3. The Bluebook, Rule 14 4. Unit 3 Assessment prompt (on Canvas)	Begin researching the open memorandum assignment (collaboration prohibited)	Introduction to the office memorandum assignment
	October 27	1. A Lawyer Writes, 229-44 2. Plain English for Lawyers, 87-102		Writing the question presented and brief answer
10	November 1	1. A Lawyer Writes, 245-57		Writing the statement of facts and conclusion to the office memorandum, in class workshop on the question presented and brief answer
	November 3	1. A Lawyer Writes, 185-92		The place of policy in legal arguments,

				outlining session on office memorandum arguments
11	November 8	1. A Lawyer Writes, 193-209		Statutory analysis
	November 10	1. A Lawyer Writes, 259-83		Editing and polishing your writing, writing workshop
	November 12		First draft of office memorandum assignment due by 11:59pm on Canvas	
12	November 15	No class—first draft conferences		
	November 17	No class—first draft conferences		
13	November 22	No class—first draft conferences		
	November 24	No class—Thanksgiving Break		
Unit 4: Expressed Legal Analysis (Supervisor-Staff Attorney Meeting)				
14	November 29	1. Principles of Legal Research, Chapter 13 §§ 13.1-13.3(a), pgs. 349-75, Chapter 14 §§ 14.1(c)-14.2, pgs. 382-92 2. Sample project intake forms (on Canvas)		How to explain your analysis to a supervisor, legal practice tools
	December 1	No class—15-minute supervisor-staff attorney meetings		
15	December 6	No class—15-minute supervisor-staff attorney meetings		
	December 8			Course debrief, course evaluations