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:

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

<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Reading Assignment</th>
<th>Written or Other Assignment</th>
<th>Class Topic</th>
</tr>
</thead>
</table>
| 1      | August 30  | 1. A Lawyer Writes, 15-22  
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| 1. A Lawyer Writes, 22-31  
2. Principles of Legal Research, Chapter 1, pgs. 9-30  
3. Legal Research Process Chart (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. |                             |                                                 |
|   | September 6 | 1. A Lawyer Writes, 33-43  
2. Principles of Legal Research, Chapter 5, pgs. 99-146  
4. The Bluebook, Rules 12.1-12.3 | Reading and researching statutes |
|---|---|---|---|
|   | September 8 | 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 | 1. A Lawyer Writes, 61-72  
2. Principles of Legal Research, Chapter 12 §§ 12.1-12.3, pgs. 311-41  
3. Matter of Gentile (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 | 1. A Lawyer Writes, 73-91  
2. Legal Research, Chapter 12 § 12.4, pgs. 342-48  
3. United States v. Denezpi (on Canvas)  
5. The Bluebook, Rule 10.9, 12.10 | Organizing your legal authority, using research citators, leveraging secondary sources |
| 4 | September 20 | 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 |
<table>
<thead>
<tr>
<th>Date</th>
<th>No class</th>
<th>Unit 1 Assessment</th>
<th>Unit 2: Constructing a Legal Argument (IREAC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 22</td>
<td>No class</td>
<td>Unit 1 Assessment released on Canvas at 8:00am</td>
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<tr>
<td>September 23</td>
<td>Unit 1 Assessment due by 11:59pm on Canvas</td>
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<tr>
<td>September 25</td>
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**Unit 2: Constructing a Legal Argument (IREAC)**

| 5 | September 27 | 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 |
| 6 | September 29 | 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    | 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 |
| 7 | October 6    | 1. A Lawyer Writes, 163-74  
2. Plain English for Lawyers, 27-32 | Counter-analysis |
| 7 | October 11   | No class—Fall Break |                                                                                                           |
| 8 | October 13   | 1. A Lawyer Writes, 175-84  
2. Plain English for Lawyers, 33-38 | Organizing your application of the law |
| 8 | October 18   | 1. A Lawyer Writes, 211-27  
2. Plain English for Lawyers, 39-54 | The discussion section, introducing and |
<table>
<thead>
<tr>
<th>Date</th>
<th>Section</th>
<th>Assignments</th>
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<tbody>
<tr>
<td>October 20</td>
<td>Connecting legal arguments; brainstorming session on discussion section arguments</td>
<td>Citation workshop</td>
</tr>
<tr>
<td>October 21</td>
<td>Unit 2 Assessment due by 11:59pm on Canvas</td>
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</table>

**Unit 3: Applied Legal Analysis (The Office Memorandum)**

<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Assignments</th>
</tr>
</thead>
</table>
| 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 |
<p>| 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, |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic Description</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>11 November 8</td>
<td>Outlining session on office memorandum arguments</td>
<td>Statutory analysis</td>
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<tr>
<td>November 10</td>
<td>1. A Lawyer Writes, 193-209</td>
<td>Editing and polishing your writing, writing workshop</td>
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<tr>
<td>November 12</td>
<td>First draft of office memorandum assignment due by 11:59pm on Canvas</td>
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<tr>
<td>12 November 15</td>
<td>No class—first draft conferences</td>
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<tr>
<td>November 17</td>
<td>No class—first draft conferences</td>
<td></td>
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<tr>
<td>13 November 22</td>
<td>No class—first draft conferences</td>
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<tr>
<td>November 24</td>
<td>No class—Thanksgiving Break</td>
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**Unit 4: Expressed Legal Analysis (Supervisor-Staff Attorney Meeting)**

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<thead>
<tr>
<th>Date</th>
<th>Topic Description</th>
<th>Notes</th>
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<tbody>
<tr>
<td>December 1</td>
<td>No class—15-minute supervisor-staff attorney meetings</td>
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<tr>
<td>15 December 6</td>
<td>No class—15-minute supervisor-staff attorney meetings</td>
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<tr>
<td>December 8</td>
<td>Course debrief, course evaluations</td>
<td></td>
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</tbody>
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