

# Legal Research and Writing: An Integrated Approach

Syllabus

Fall 2022

Professor Greg Johnson

Office: Old Schoolhouse (Legal Writing/ASP Building) Room 205

Office Hours: Tuesday, 10:00-11:00 am

Thursday, 10:00-11:00 am

By appointment (email me at [gjohnson@vermontlaw.edu](mailto:gjohnson@vermontlaw.edu))

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. In the spring 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 courses requires that you practice researching, writing, and citation skills.

We use a spiraling method of instruction in these courses: We first introduce core concepts such as hierarchies of authority, precedent, and *stare decisis*, as well as effective legal research and writing processes. Then, 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. In Legal Writing II, we turn to the art of advocacy. You will draft persuasive arguments using the same skills you develop in this course, 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 first three Units all include instruction and practice in proper legal citation 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 and tribal 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, cases, and regulations.
12. Practice oral presentation skills.

## Required Texts:

1. Kent C. Olson, et al., *Principles of Legal Research* (3d ed. 2020). Available free 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* (3d ed. 2018).
3. Richard C. Wydick & Amy Sloan, *Plain English for Lawyers* (6<sup>th</sup> ed. 2019).
4. Harvard Law Review et al., *The Bluebook: A Uniform System of Citation* (21st ed. 2020).

## Honor Code:

The Vermont Law and 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:

One of Vermont Law and Graduate School's two 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 Jared Carter at [jcarter@vermontlaw.edu](mailto:jcarter@vermontlaw.edu) for an appointment.

### Grading:

Letter grades are based on the course assignments (85%) and class activities (15%). Class activities include attending classes, participating in class discussion, the first draft of your Unit 3 Assessment (Office Memorandum), meeting all deadlines, and completing all the projects and exercises listed in the schedule below. 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.

Submit all course work to Canvas

The grade distribution in Legal Research and Writing is as follows:

(1) Unit 1 (Research and citation assignment) (due on September 25)	25%
(2) Unit 2 (Discussion Section assignment) (due on October 21)	20%
(3) Unit 3 (Office Memorandum) (first draft due on November 11, final draft due one week after our individual conference)	30%
(4) Unit 4 (Oral skills assignment) (week of November 28)	10%
(5) Class Activities (across all units)	15%

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.

## Unit 1: What is Law? (And How to Find It)

Monday, August 29

An introduction to American legal systems

*A Lawyer Writes*, 15-22 (Sources of Law) (through “Weave a Tapestry”)

*Legal Research*, 1-5 (Introduction: Context and Framework)

Constitution of the Standing Rock Sioux Tribe (on Canvas)

*The Bluebook*, review ix-xvi (Table of Contents), read 1-4 (Introduction and Rule B1.1) and Rules B11 and 11

### Assignments:

1. In a paragraph of 100-150 words, compare/contrast the Preambles of the United States Constitution and the Constitution of the Standing Rock Sioux Tribe.  
Due on Sunday, September 4, by 11:59 pm (upload to Canvas)
2. Install (free to you) Microsoft Office 365 from VLGS’s IT website if you do not already have it.

You have two options for the required Westlaw training:

### **Westlaw Training - Option #1**

**Monday, August 29, 2022, 5:00 – 6:00 pm**

Microsoft Teams meeting

[Click here to join the meeting](#)

### **Westlaw Training - Option #2**

**Tuesday, August 30, 2022, 5:00 – 6:00 pm**

Microsoft Teams meeting

[Click here to join the meeting](#)

Wednesday, August 31

Hierarchies of authority; an introduction to *stare decisis*; legal research process

*A Lawyer Writes*, 22-31 (Systems of law)

*Legal Research*, 9-30 (Chapter 1: Research Methods and Process)

*Legal Research Process Chart* (on Canvas)

*United States v. Cooley*, \_\_\_ U.S. \_\_\_, 141 S.Ct. 1638 (2020). (on Canvas).

*June Med. Servs. v. Russo*, \_\_\_ U.S. \_\_\_, 140 S.Ct. 2103 (2020). (on Canvas).

*The Bluebook*, Rules B2, B10.1.1, 10.2, and Table 6 (Case names in citations)

You have two options for the required Lexis+ training:

**Lexis+ Training – Option #1**

**Wednesday, August 31, 2022, 5:00 – 6:00 pm**

Microsoft Teams meeting

[Click here to join the meeting](#)

**Lexis+ Training - Option #2**

**September 1, 2022, 5:00 – 6:00 pm**

Microsoft Teams meeting

[Click here to join the meeting](#)

Monday, September 5

NO CLASS (LABOR DAY)

Wednesday, September 7

Reading and researching statutes

*A Lawyer Writes*, 33-43 (Reading statutes)

*Legal Research*, 99-113, 121-34 (Chapter 5: Statutory Research 5.1-5.2(a) and 5.4)

United States Constitution, Art. VI, cl. 2 (Supremacy Clause)

*McGirt v. Okla.*, \_\_\_ U.S. \_\_\_, 140 S.Ct. 2452 (2020). (on Canvas).

*The Bluebook*, Rules B.12.1.1, 12.1-12.3.2 (Citing statutes)

Monday, September 12

Reading and researching cases

*A Lawyer Writes*, 45-59 (Reading opinions)

*Legal Research*, 275-309 (Chapter 11: Case law Sources)

*The Bluebook*, Rules B10.1.2-1.3, 10.3-10.5, Table 1 (Reporter, court, and year)

Wednesday, September 14

Finding your argument; case research (continued)

*A Lawyer Writes*, 61-72 (The governing rule)

*Legal Research*, 311-41 (Chapter 12: Case Research 12.1-12.4)

*Matter of Gentile*, 15 Am. Tribal L. 469 (Navajo Nation 2019). (on Canvas)

*The Bluebook*, Rules B10.1.5-1.6 and 10.6-10.7 (Parenthetical information)

SCOTUS (cleaned up) (on Canvas)

Monday, September 19

Organizing your legal authority; leveraging secondary sources

*A Lawyer Writes*, 73-91 (Organizing your legal authority)

*Legal Research*, 342-48 (12.4 Citators)

[Secondary Sources Research Guide](#)

*United States v. Denezpi*, 979 F.3d 777 (10th Cir. 2021). (on Canvas)

*The Bluebook*, Rules B10.2, B12.2 10.9, 12.10 (Short form cites for cases and statutes)

Wednesday, September 21

One legal argument; researching regulations; avoiding plagiarism

*A Lawyer Writes*, 93-97 (One legal argument) and 133-39 (Avoiding plagiarism)

*Legal Research*, 210-27 (8.2 Regulations)

*When to Stop Researching* (on Canvas)

*The Bluebook*, Rules B14 and 14.1-14.2 (Citing administrative regulations)

Unit 1 Assessment will be released on Friday, September 23, at 8 am, and is due by Sunday, September 25, by 11:59 pm (upload to Canvas)

**Unit 2: Constructing a Legal Argument (IREAC)**

Monday, September 26

Explaining the Law: Rules and rule synthesis

An introduction to the Plain English movement

*A Lawyer Writes*, 3-9, 99-112

*Plain English for Lawyers*, 3-6

*The Bluebook*, Rules B1.3 and 1.5 (Parenthetical information in case citations)

*Welcome to our Gender-Neutral Future* (on Canvas)

Wednesday, September 28

Introduction to the Unit 2 Assessment (Discussion Section) (on Canvas)

Explaining the law: Case illustration

*A Lawyer Writes*, 113-32

*Plain English for Lawyers*, 7-20 (Omit surplus words)

*The Bluebook*, Rules B6 and 6 (Abbreviations, numerals, and symbols)

Document Template (on Canvas)

Assignments:

1. Begin researching the Clean Water Act on your own (no collaboration with others). Bring your research results to class on Monday, October 3.
2. Complete *Plain English* Exercises 1-4 (on Canvas) and bring your edits to class.

Monday, October 3

Applying the law: Rule-based reasoning; research workshop  
*A Lawyer Writes*, 141-61  
*Plain English for Lawyers*, 23-26 (Use strong verbs)  
*The Bluebook*, Rules B8 and 8 (Capitalization)

Assignment: Complete *Plain English* Exercise 6 (on Canvas) and bring your edits to class.

Wednesday, October 5

Applying the law: Counter-analysis  
*A Lawyer Writes*, 163-74  
*Plain English for Lawyers*, 27-32 (Use the active voice)

Assignment: Complete *Plain English* Exercise 8 (on Canvas) and bring your edits to class.

Monday, October 10

NO CLASS (INDIGENOUS PEOPLE'S DAY)

Wednesday, October 12

Organizing your application of the law; short sentences; choosing words carefully  
*A Lawyer Writes*, 175-84  
*Plain English for Lawyers*, 33-38 (Use short sentences)  
*Plain English for Lawyers*, 39-41, 55-68 (Choose your words carefully)

Assignment: Complete *Plain English* Exercises 10 and 13 (on Canvas) and bring your edits to class.

Monday, October 17

The Discussion Section; outlining the Discussion Section  
*A Lawyer Writes*, 211-20, 224-27  
Workshop on outlining the Discussion Section

Wednesday, October 19

In-class Unit 2 citation workshop

Unit 2 Assessment is due on Friday, October 21, by 11:59 pm (upload to Canvas)

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

Monday, October 24

Introduction to the Unit 3 Assessment (Office Memorandum) (on Canvas)

*Plain English for Lawyers*, 71-84 (Use commas carefully and correctly)

*The Bluebook*, B3 and 3.2-3.3 (Sections and paragraphs)

Assignment: Prepare Research Findings Report for the Office Memorandum Assignment (collaboration prohibited). **Research Findings Report is due on Sunday, October 30, by 11:59 pm (upload to Canvas).**

Wednesday, October 26

Writing the Question Presented and Brief Answer

*A Lawyer Writes*, 229-44

*Plain English for Lawyers*, 87-102 (Punctuate carefully and correctly)

Assignments:

1. Draft a Question Presented and Brief Answer for the Office Memorandum. Bring your drafts to class on Monday, October 31.
2. Complete *Plain English* Exercise 18 (on Canvas) and bring your edits to class.

Monday, October 31

Writing the Statement of Facts and Conclusion to the Office Memorandum

*A Lawyer Writes*, 245-57

In-class workshop on the Question Presented and Brief Answer

Wednesday, November 2

The place of policy in legal arguments

*A Lawyer Writes*, 185-92

Outlining workshop for the Unit 3 Assessment

Monday, November 7

Editing your writing

*A Lawyer Writes, 259-72*

In-class Unit 3 citation workshop

Wednesday, November 9

Polishing your writing

*A Lawyer Writes, 272-83*

Question and Answer session on the Unit 3 Assessment

First draft of Unit 3 Assessment is due on Friday, November 11, by 11:59 pm (upload to Canvas) (10%)

Monday, November 14

No Class— 30 minute conferences on your draft Office Memorandum

Wednesday, November 16

No Class— 30 minute conferences on your draft Office Memorandum

Monday, November 21

No Class— 30 minute conferences on your draft Office Memorandum

Final draft of Unit 3 Assessment is due one week after your individual conferences, by 11:59 pm (upload to Canvas) (20%)

**Unit 4: Expressed Legal Analysis (Supervisor-Staff Attorney Meeting)**

Wednesday, November 23

How to explain your analysis to a supervisor

*Presenting Your Legal Research to a Partner (on Canvas)*

Monday, November 28

No Class— 15 minute Supervisor/Staff Attorney meetings

Wednesday, November 30

No Class— 15 minute Supervisor/Staff Attorney meetings

Monday, December 5

Final Class—Course evaluations and a look ahead

*Advanced Legal Writing: Metaphor* (on Canvas)

See next page for Unit Outcomes

Unit 1 Outcomes – Systems of law and finding the law

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, state, and tribal jurisdictions.
4. Practice using key principles of Plain English to express your analysis clearly and concisely.
5. Practice proper *Bluebook* citation format with constitutions, statutes, and cases.

Unit 2 Outcomes – Constructing a legal argument: The Discussion Section

1. Identify sources of authority relevant to a complex fact pattern, including constitutional provisions, statutes, regulations, and rules of common law.
2. Identify legal issues within a complex fact pattern when given a legal issue.
3. Demonstrate analogical reasoning skills to analyze the potential outcomes of a legal dispute.
4. Practice using key principles of Plain English to express your analysis clearly and concisely.
5. Practice proper *Bluebook* citation format with constitutions, statutes, and cases.

Unit 3 Outcomes – Applied legal analysis: The Office Memorandum

1. Identify sources of authority relevant to a complex fact pattern, including constitutional provisions, statutes, regulations, and rules of common law.
2. Identify material facts within a complex fact pattern when given a legal issue.
3. Demonstrate rule-based reasoning skills to analyze the potential outcomes of a legal dispute.
4. Apply statutes, cases, regulations, and other forms of primary authority to analyze the potential outcomes of a legal dispute.
5. Identify and dismiss counter-arguments.
6. Practice using key principles of Plain English to express your analysis clearly and concisely.
7. Practice proper *Bluebook* citation format with constitutions, statutes, and cases.

Unit 4 Outcomes – Expressed legal analysis: Supervisor-staff attorney meeting

1. Practice oral presentation skills.
2. Identify legal research practice tools