

Legal Research and Writing: An Integrated Approach

Syllabus

Fall 2022

Professor Jane Woldow

Office: VLGS Library

Office Hours: Fridays 3:30-4:30pm (September 2-November 11)

By appointment (email me at jwoldow@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. 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 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 task, 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, 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 (85%) and class activities (15%). Class activities include attending classes, participating in class discussion, 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 precise grade distribution in Legal Research and Writing is as follows:

(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 (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.

Honor Code:

The Vermont Law 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 materials 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 is for assigned collaborative work or for meetings 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.

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

WEEK 1

Monday, August 29 (session 1)

Topic: An introduction to American legal systems

Before class, read:

A Lawyer Writes, pages 15-22

Principles of Legal Research, Introduction. Context and Framework, pages 1-5

Preamble (on page 3, linked) [Constitution of the Standing Rock Sioux Tribe](#)

The Bluebook, Review ix-xvi (Table of Contents); read 1-4 (Introduction and Rule B1.1) and Rule 11 (Overview of *Bluebook* and citing Constitutions)

After class, complete this:

Exercise: **Attend a Westlaw training session**

Exercise: 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 Canvas by 11:59 pm on Friday, September 2.

Exercise: Submit Student Survey Due on Canvas by 11:59 pm on Friday, September 2.

Wednesday, August 31 (session 2)

Topic: Hierarchies of authority; an introduction to *Stare Decisis*; legal research process

Before class, read:

A Lawyer Writes, pages 22-31

Principles of Legal Research, Chapter 1

Legal Research Process Chart (on Canvas)

Excerpt: *June Med. Servs. v. Russo*, 140 S.Ct. 2103, 2134 (2020). (on Canvas)

The Bluebook, Rules 10.1, 10.2, B2, and Table 6 (Case names in citations)

After class, complete this:

Exercise: **Attend a Lexis training session**

WEEK 2

Monday, September 5—No Class (Labor Day)

Wednesday, September 7 (session 3)

Topic: Reading and researching statutes

Before class, read:

A Lawyer Writes, pages 33-43

Principles of Legal Research, §§5.1-5.5(d) & §9.2

Excerpt: *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020) (on Canvas)

The Bluebook, Rules 12.1-12.3 (Citing statutes)

WEEK 3

Monday, September 12 (session 4)

Topic: Reading and researching judicial opinions

Before class, read:

A Lawyer Writes, pages 45-59

Principles of Legal Research, Chapter 11 & §§12.1-12.2(c)

The Bluebook, Rules 10.3-10.5, Table 1 (Reporter, court, and year in citations)

Wednesday, September 14 (session 5)

Topic: Finding your argument; using research citators; regulations preview

Before class, read:

A Lawyer Writes, pages 61-72

Principles of Legal Research, §12.4 & §§8.2(a), 8.2(b)

SCOTUS (cleaned up) [82 OR. ST. B. BULL. 13 \(2021\)](#) (via VLS HeinOnline)

The Bluebook, Rules 10.6-10.7 (Parenthetical information in citations)

WEEK 4

Monday, September 19 (session 6)

Topic: Organizing your legal authority; leveraging secondary sources

Before class, read:

A Lawyer Writes, pages 73-91

Review all tabs on [Secondary Sources Research Guide](#)

The Bluebook, Rule 10.9, 12.10 (Short form cites for cases and statutes)

Wednesday, September 21 (session 7)

Topic: One legal argument, formulating research plans; avoiding plagiarism

Introduction to the Unit 1 Assignment

Before class, read:

A Lawyer Writes, pages 93-97 and 133-39

Principles of Legal Research, §1.3 (revisited from week 1)

Legal Research Process Chart, When to Stop Researching (on Canvas)

After class, complete this:

Unit 1 Assignment due Sunday, September 25, by 11:59 pm (upload to Canvas) (25%)

Unit 2: Constructing a Legal Argument (IREAC)

WEEK 5

Monday, September 26 (session 8)

Topic: An introduction to the Plain English movement

Explaining the Law: Sources of rules and rule synthesis

Before class, read:

A Lawyer Writes, pages 99-112

Welcome to our Gender-Neutral Future [42 Vt. B.J. 36 \(2016\)](#) (via VLS HeinOnline)

The Bluebook, Rule 1.5 (Parenthetical information in case citations revisited)

Plain English for Lawyers, pages 3-6

Wednesday, September 28 (session 9)

Topic: Explaining the Law: Case illustrations

Introduction to the Unit 2 Assignment

Before class, read:

A Lawyer Writes, pages 113-32

The Bluebook, Rule 6 (Abbreviations, numerals, and symbols)

Plain English for Lawyers, pages 7-20

Before class, complete:

Plain English Exercises 1-4 and bring your edits to class

After class, complete this:

Exercise: Prepare Research Findings Report for the Discussion Section Assignment (collaboration permitted). **Bring your Research Findings Report to the next class.**

WEEK 6

Monday, October 3 (session 10)

Topic: Applying the Law: Rule-based reasoning,

In-class legal research refresher and workshop

Before class, read:

A Lawyer Writes, pages 143-61

The Bluebook, Rule 8 (Capitalization)

Plain English for Lawyers, pages 23-26

Before class, complete:

Plain English Exercise 6 and bring your edits to class

Wednesday, October 5 (session 11)

Topic: Counter-Analysis

Before class, read:

A Lawyer Writes, pages 163-74

Plain English for Lawyers, pages 27-32

Before class, complete:

Plain English Exercise 8 and bring your edits to class

WEEK 7

Monday, October 10

NO CLASS—INDIGENOUS PEOPLE’S DAY

Wednesday, October 12 (session 12)

Topic: Organizing your application of the law

In-class writing workshop on the Discussion Section

Before class, read:

A Lawyer Writes, pages 175-84

Plain English for Lawyers, pages 33-38

WEEK 8

Monday, October 17 ((session 13)

Topic: The Discussion Section: Introducing and connecting legal arguments

Before class, read:

A Lawyer Writes, pages 211-27

Plain English for Lawyers, pages 39-54

Before class, complete:

Plain English Exercises 10 and 13, bring your edits to class

Wednesday, October 19 (session 14)

Topic: In-class Unit 2 *Bluebook* workshop

Before class, read:

Plain English for Lawyers, pages 55-68

After class, complete this:

Discussion Section Assignment due Friday, October 21, by 11:59 pm (upload to Canvas) (20%)

Unit 3: Applied Legal Analysis (The Office Memorandum)

WEEK 9

Monday, October 24 (session 15)

Topic: Introduction to the Office Memorandum Assignment (materials on Canvas)

Executive branch materials

Before class, read:

Plain English for Lawyers, pages 71-84

Legal Research, Chapter 7 & §§8.1, 8.2(c) (Administrative and Executive materials)

The Bluebook, Rule 14 (Citing federal agency law)

After class, complete this:

Exercise: Prepare Research Findings Report for the Open Memorandum Assignment (collaboration prohibited). **Research Findings Report is due on Friday, October 28, by 11:59 pm (upload to Canvas).**

Wednesday, October 26 (session 16)

Topic: Writing the Question Presented and Brief Answer

Before class, read:

A Lawyer Writes, pages 229-44

Plain English for Lawyers, pages 87-102

After class, complete this:

Exercise: Complete *Plain English* Exercise 18 and bring your edits to the next class.

WEEK 10

Monday, October 31 (session 17)

Topic: Writing the Statement of Facts and Conclusion to the Office Memorandum

In-class writing workshop on the Question Presented and Brief Answer

Before class, read:

A Lawyer Writes, pages 245-57

Wednesday, November 2 (session 18)

Topic: The place of policy in legal arguments

In-class legal research refresher and workshop

Before class, read:

A Lawyer Writes, pages 185-92

WEEK 11

Monday, November 7 (session 19)

Topic: Statutory Analysis

In-class Writing Workshop on Office Memorandum Outlining

Before class, read:

A Lawyer Writes, pages 193-209

Wednesday, November 9 (session 20)

Topic: Editing and polishing your writing

In-class Unit 3 *Bluebook* workshop

Before class, read:

A Lawyer Writes, pages 259-83

& Sign up for your individual conference (on Canvas)

After class, complete this:

First draft of Office Memorandum Assignment due Saturday, November 12, by 11:59 pm (upload to Canvas) (10%)

Final draft of Office Memorandum Assignment is due within 1 week of individual conferences (20%)

WEEK 12

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

WEEK 13

Monday, November 21

No Class—30 minute conferences on your draft Office Memorandum

Wednesday, November 23

No Class—30 minute conferences on your draft Office Memorandum

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

WEEK 14

Monday, November 28 (session 21)

Topic: How to explain your analysis to a supervisor; legal research practice tools

Course evaluations

Before class, read:

Principles of Legal Research, Chapter 13 & §§14.1(b)-14.3

Sample research project intake checklists (on Canvas)

[Presenting Your Legal Research to a Partner](#)

& Sign up for your individual conference (on Canvas)

Wednesday, November 30

No Class—15 minute Supervisor-staff attorney meetings (10%)

WEEK 15

Monday, December 5

No Class—15 minute Supervisor-staff attorney meetings

Wednesday, December 7

No Class—15 minute Supervisor-staff attorney meetings

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: legal organization and IREAC

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