

**Legal Methods**  
Spring 2023 REQ 7107  
Tuesday/Thursday, 8:30 – 9:45 a.m. (Oakes 208)

Instructor: Professor Dayna Smith  
Email: dsmith@vermontlaw.edu  
Phone: 802-831-1241  
Office: Old School House Room 208  
Office hours: By Appointment (see Office Hours below)

**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 students an overview of the course but is subject to be changed or supplemented at the professor's discretion. Please take the time to read and review this syllabus in detail.

**Class Structure**

We will be meeting in Oakes 208. All classes will be in person unless otherwise specified.

**Classroom Etiquette**

1. In seat and ready to go at the start of class
2. Only the person I call on should be answering a question. No speaking out.
3. You may use laptops in class, but only for class-related tasks such as note taking
4. Raise your hand if you have a question
5. Be prepared and ready to go
6. Be patient

**Course Goals**

The goals for this course are to:

1. Identify strengths and weaknesses from first semester courses;
2. Master fundamentals required for good legal analysis including case briefing, note taking, outlining, and efficient class participation;
3. Afford opportunities for you to practice your legal analysis through in-class exercises and practice exams;
4. Work with second semester professors in smaller group settings; and
5. Explore bar-style MC questions

## **Learning Outcomes**

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

1. Devise a plan for creating the time and structure needed to succeed in law school;
2. Read and case brief a legal opinion efficiently and for comprehension;
3. Outline class notes and materials for studying;
4. Read fact patterns, identify legal issues, articulate applicable rules, apply the facts of the fact pattern to the elements of the rule, and develop a counter-argument; and
5. Develop the skills to answer law school examination style multiple choice and essay questions

## **Essential Course Elements**

Essential elements required for this course include:

1. Participation (including through cold calling);
2. In-person attendance;
3. Timely submission of assignments;
4. Group work with colleagues in class; and
5. Meetings with professors, TAs, and others outside of class

## **Course Materials**

### **Required Texts:**

Students are not required to purchase a textbook for this course. Academic Success will provide Legal Methods students with a copy of *Succeeding in Law School, Second Edition, Herbert M. Ramy (2010) – ISBN: 978-1-59460-740-0*. **Do not write in the book.** Students will return this book to Academic Success after the final day of class. If you damage this book or do not return it, you will be required to purchase a replacement copy and your grade will not be released.

### **Additional Materials:**

Additional materials are posted on Canvas. You will submit all your assignments to Canvas. Materials will be organized by class number on the Canvas page, and assignment submission portals will be gathered at the top of the Canvas page for easy access.

### **Practice Materials:**

Practicing applying the law is vital to your success in law school. The following resources are available to you for practice. We will do practice problems in class periodically to review key topics from your doctrinal courses, but these will not be enough to fully prepare you for exams. Please use the available practice materials early and often during the semester.

- ASP Website: <https://vermontlaw.sharepoint.com/sites/ASPWebsite/SitePages/Vermont-Law-Academic-Success-Program.aspx>
  - West Supplements
  - Kaplan First Year Success Program
  - CALI
  - Practice Exams (posted closer to final exams)
- ASP Resource Library (Old School House)

### **Office Hours**

I am available to meet by appointment. You can schedule an appointment by contacting Katrina Munyon (kmunyon@vermontlaw.edu). I am available to meet in person in my office or virtually through Teams.

### **Questions about Assignments**

Being diligent with your time management is critical to your success in law school and as a professional. To encourage you to think about your assignments early, I will not answer questions about assignments in the twelve-hour window before the assignment is due. For example, if the assignment is due at 11:59pm, I will not answer questions about that assignment asked after 12:00pm on that day.

### **Email Etiquette**

Your VLGS email will be the primary means of communications in this course, so I expect that you will check your email at least once a day during the school week.

I expect you to act as a professional in this course. This includes using proper email etiquette. If you send me an email, I will not respond if it does not follow proper email etiquette. This means that there must be a salutation (e.g., “Hello Professor Smith”), a body, and a signature. The subject line should also reflect the topic of the email.<sup>1</sup>

During the work week (Mon-Fri), I will respond to emails within 24 hours. I generally do not respond to emails outside of the workday (8:30am – 4:30pm) because I have a young child at home. On weekends, I check my email sporadically, and I will respond to time-sensitive emails as soon as possible.

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<sup>1</sup> For more information on writing professional emails, please see the “Sending Professional Emails” link in the Resources section on Canvas.

If an email requires a response, I will expect you to respond to emails sent during the work week within 24 hours. Out of respect for your time outside of the law school, I do not expect you to answer emails on weekends. If I send an email over the weekend, I will not expect a response until the next weekday.

### **Grading**

Legal Methods is a Pass/Fail course. There is no final exam or final paper for this course. Instead, your grade will be based the assignments detailed in the “Assignments” section.

Students earn a grade of Pass for work resulting in a final grade above 75% and completing no less than 80% of the assigned course work. Students with work resulting in a final grade below 75% or who complete less than 80% of the coursework will receive a grade of Fail.

### **Attendance Policy**<sup>2</sup>

Attendance is mandatory for this class. Presence also requires being prepared. If you are not prepared for class, the professor reserves the right to count you as absent for the 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. A student will be considered late if he/she arrives to class after attendance is taken, but prior to 10 minutes after the scheduled start time of class. If you are late twice, that counts as one absence.

If a student misses more than five classes, that student will fail the course due to 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.

### **Weather/Emergencies**

If school is closed for the time of our scheduled class, I will either notify you that class for that day will be virtual through Teams or we will schedule a makeup class. If the school is open, but travel is not safe from where you are coming, exercise your discretion. If you are not able to attend due to weather, inform the professor as soon as possible.

### **Plagiarism**

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<sup>2</sup> See Academic Regulations II(A)(1).

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 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 so our school can respond appropriately.

If you wish to speak 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 Coordinators: Jessica Durkis-Stokes (802-831-1274 / [jdurkisstokes@vermontlaw.edu](mailto:jdurkisstokes@vermontlaw.edu)) and Jessica Brown (802-831-1101 / [jbrown@vermontlaw.edu](mailto:jbrown@vermontlaw.edu)).

Our school is legally obligated to investigate reports of sexual misconduct, and therefore it cannot guarantee the confidentiality of a report, but it will consider a request for confidentiality and respect it to the extent possible.

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 online form you can complete and upload your supporting documentation. If you have questions, please make an appointment with the Vice Dean for Diversity, Equity, and Inclusion. 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.

## Course Overview

Below is a general course overview. Please note that because each class goes at its own pace, the exact timing is likely to change as needed. However, to help you with your semester planning, this overview will hopefully give you a general idea of what we will cover together and the order in which we will cover it. I will distribute updates to this overview in writing as needed.

<b>CLASS</b>	<b>DATE</b>	<b>READING FOR CLASS</b>	<b>COVERED IN CLASS</b>
1&2	1/17/23 1/19/23		Individual Meetings with Professor Smith between 1/19 and 1/27
3	1/24/23	<ul style="list-style-type: none"> <li>- Ramy 191-194</li> <li>- Jones Article – “5 Tips for Reflecting on Your First Semester 1L” (under Class Three on Canvas)</li> <li>- ABA Article – “How to Improve Second Semester Grades” (under Class Three on Canvas)</li> <li>- Time Management Guide (7 videos embedded in article – about 50 minutes total)</li> <li>- <u>Recommended</u>: “Virtual Office Hours” video embedded in “How to Improve on Second Semester” article</li> </ul>	<ul style="list-style-type: none"> <li>- Syllabus &amp; Course overview</li> <li>- How to Meet with ASP Mentors</li> <li>- Scheduling/Time Management</li> </ul>
4	1/26/23	<ul style="list-style-type: none"> <li>- Ramy 22-25; 41-45</li> <li>- Kerr Article - “How To Read a Legal Opinion” (under Class Four on Canvas)</li> <li>- <u>Recommended</u>: Ramy 3-22</li> <li>- <u>Recommended</u>: Ramy 46-59 (<i>Garrat v. Dailey</i> exercise)</li> </ul>	<ul style="list-style-type: none"> <li>- Preparing for Class</li> <li>- Case briefing</li> </ul>
5	1/31/23	<ul style="list-style-type: none"> <li>- Ramy 75-81 (stop before “Torts Hypothetical”)</li> </ul>	<ul style="list-style-type: none"> <li>- Note-taking techniques</li> <li>- After class debriefing</li> </ul>

		<ul style="list-style-type: none"> <li>- <u>Recommended</u>: Ramy 81-83 (“Torts Hypothetical” exercise)</li> </ul>	
6	2/2/23	<ul style="list-style-type: none"> <li>- Ramy 85-100; 185-191</li> <li>- ABA Article – “Outlines and Graphic Organizers: Making Sense of a Course” (under Class Six on Canvas)</li> <li>- ABA Article – “5 Tips to Get You Started on Writing Law School Outlines” (under Class Six on Canvas)</li> <li>- ABA Article – “You’ve Started a Law School Study Group” (under Class Six on Canvas)</li> <li>- <u>Recommended</u>: Review “Supplemental Material – Introduction to Outlining” (under Class Six on Canvas)</li> </ul>	<ul style="list-style-type: none"> <li>- Outlining</li> <li>- Review groups</li> <li>- Study aids</li> </ul>
7	2/7/23	<ul style="list-style-type: none"> <li>- Ramy 212-217 (excluding section titled Sample Law School Exam)</li> <li>- ABA Article &amp; Embedded Video (about 28 minutes) – “Last-minute Tips for How to Excel on Law School Essay Exams” (under Class Seven on Canvas). <u>Note</u>: You can stop watching the video before the JD Advising advertising content (around 28-minute mark).</li> </ul>	<ul style="list-style-type: none"> <li>- Essay writing framework</li> </ul>
8	2/9/23	<ul style="list-style-type: none"> <li>- Ramy 111-120; 123-140 (excluding exercises); 202-212</li> <li>- ABA Article – “Do You Want to Be Successful on</li> </ul>	<ul style="list-style-type: none"> <li>- Multiple Choice Strategies</li> <li>- MBE Autopsy Sheets</li> <li>- In-class practice: multiple choice</li> </ul>



		Your Multiple-Choice Law Examinations?" (Under Class Eight on Canvas)	
9	2/14/23	- Review Property material	Cohort Breakout - Carter (8:30am, Teams) - Phelps (8:30am, Teams) **Bring all your property case briefs and up-to-date outlines
10	2/16/23	- Review Civil Procedure material	Cohort Breakout - McCormack (TBD) - Vesilind (TBD) **Bring a copy of all Civil Procedure case briefs and up-to-date outline
11	2/21/23	- Review Criminal Law material	Cohort Breakout - Brown (8:30am, Oakes 208) - Heery (8:30am, location TBD) **Bring all Criminal Law case briefs and up-to-date outline
12	2/23/23	- Ramy 143-184 (excluding exercises)	- Legal Writing/Bluebooking
13	2/28/23	- Prepare for remaining midterms	No Class Meeting
14	3/2/23		No Class Meeting
3/7/23 & 3/9/23		<b>NO CLASS - SPRING BREAK</b>	
15	3/14/23		- Learning from your midterms - What is the preliminary bar exam?
16	3/16/23	- Review your Torts materials from last semester	- Preliminary Bar Review: Torts
17	3/21/23	- Review your Contracts materials from last semester	- Preliminary Bar Review: Contracts
18	3/23/23	- Work on updating outlines	No Class Meeting – Attend VT Supreme Court session(s)

19	3/28/23	<ul style="list-style-type: none"> <li>- Review your property materials to this point</li> <li>- <u>Recommended:</u> Complete Kaplan First Year Success Program multiple choice problem sets on Property</li> </ul>	<ul style="list-style-type: none"> <li>- From now until exams</li> <li>- In-class practice: Property</li> </ul>
20	3/30/23	<ul style="list-style-type: none"> <li>- Review Criminal Law materials to this point</li> <li>- <u>Recommended:</u> Complete Kaplan First Year Success Program multiple choice problem sets on Criminal Law</li> </ul>	<ul style="list-style-type: none"> <li>- In-class practice: Criminal Law<sup>3</sup></li> </ul>
21	4/4/23	<ul style="list-style-type: none"> <li>- Read approaching MPT Materials (Posted on Canvas)</li> </ul>	<ul style="list-style-type: none"> <li>- MPT</li> </ul>
22	4/6/23		<ul style="list-style-type: none"> <li>- In-Class MPT</li> </ul>
23	4/11/23	<ul style="list-style-type: none"> <li>- Ramy 29-40</li> </ul>	<ul style="list-style-type: none"> <li>- Dealing with Stress</li> </ul>
24	4/13/23	<ul style="list-style-type: none"> <li>- Review Civil Procedure materials to this point</li> <li>- Work on updating outlines</li> <li>- <u>Recommended:</u> Complete Kaplan First Year Success Program multiple choice problem sets on Civil Procedure</li> </ul>	<ul style="list-style-type: none"> <li>- In-class practice: Civil Procedure</li> </ul>
25	4/18/23	<ul style="list-style-type: none"> <li>- Review Property materials to this point</li> <li>- Gather practice exams, as available</li> </ul>	<p>Cohort Breakout</p> <ul style="list-style-type: none"> <li>- Carter (8:30am, Oakes 208)</li> <li>- Phelps (8:30am, Teams)</li> </ul> <p><b>** Bring a copy of all Property case briefs and up-to-date outlines</b></p>

<sup>3</sup> If you are not in criminal law this semester, you do not have to attend this class meeting. Instead, you should attend your professor's, TA's, or a mentor's office hours this week.

26	4/20/23	- Review Civil Procedure material	Cohort Breakout - McCormack (TBD) - Vesilind (TBD) ** Bring a copy of all Civil Procedure case briefs and up-to-date outlines
27	4/25/23	- Review Criminal Law material	Cohort Breakout - Brown (8:30am, Oakes 208) - Heery (8:30am, location TBD) **Bring a copy of all Criminal Law case briefs and up-to-date outlines
28	4/27/23		- Course Evaluations & Wrap Up

## Assignments

Guidelines for Completing and Submitting Homework Assignments:

- Students must complete all assignments per the syllabus.
- Students must work on all assignments independently unless specifically directed to work in a group.
- Students must turn in all assignments by 11:59 PM on the dates indicated unless the syllabus specifies a different time.
- All late assignments will receive a zero unless the professor grants an extension.
- Advanced notification, including an explanation, for absences, tardiness, or late assignments, is preferred. If students cannot provide advanced notice, they must give the professor an explanation as soon as is practicable. When applicable, be prepared to provide supporting documentation upon request.

Assignment Number	Due Date	Description	Points
1	At Individual Meeting	Complete the Self-Assessment Form and bring to individual meeting.	3
2	1/28/23	Submit completed semester calendar using template on Canvas.	1.5
3	1/28/23	Submit completed weekly calendars for week of 1/30/23 using template on Canvas.	1.5
4	1/30/23	Obtain copies of exams from last semester and schedule time to meet with your professors to review Fall 2022 exams. Submit list of meetings times on Canvas.	1
5	1/30/23	Read <i>United States v. Causby</i> (under Assignment Five on Canvas) and submit a case brief using format in reading and class discussion.	5
6	2/8/23	Submit electronic copies of your current Civil Procedure outline(s) for the semester on Canvas.	1
7 <sup>4</sup>	2/8/23	Submit electronic copies of your current Criminal Law outline(s) for the semester on Canvas.	1
8	2/8/23	Submit electronic copies of your current Property outline(s) for the semester on Canvas.	1
9	2/8/23	Schedule a time to review your outlines with an ASP mentor. You must have your meeting scheduled by 11:59pm on 2/8/23, and your meeting must take place by 2/24/23. Submit meeting time to Canvas.	1
10	2/11/23	Submit five questions for Property that you would like to discuss in the cohort breakout session to	1

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<sup>4</sup> For those not in criminal law, please submit an outline for your other class.

		Canvas. Please note your professor on your submission.	
11	2/13/23	Read the Civil Procedure question posted under Assignment Eleven on Canvas and submit an answer to using the IRAC framework to Canvas.	6
12	2/13/23	Schedule meeting with Professor Smith to review your response to the Civil Procedure question in Assignment 11. You must schedule the meeting by the end of the day 2/13/23, and the meeting must take place before 2/24/23. <b>No submission, but Calendly sign up link in assignment portal.</b>	1
13	2/13/23	Submit autopsy of three multiple-choice questions from in-class problem set to Canvas.	3
14 <sup>5</sup>	2/13/23	Submit five questions for Civil Procedure that you would like to discuss in the cohort breakout session to Canvas. Please note your professor on your submission	1
15	2/18/23	Submit five questions for Criminal Law that you would like to discuss in the upcoming cohort breakout session to Canvas. Please note your professor on your submission	1
16	3/15/23	Complete 10 Torts practice problems in Kaplan First Year Success Program. After completing the problems, autopsy them. Instructions for accessing program and blank MBE autopsy sheet on Canvas under Class Seventeen. Submit completed autopsy sheet on Canvas.	3
17	3/20/23	Complete 10 Contracts practice problems in Kaplan First Year Success program. After completing the problems, autopsy them. Instructions for accessing program and blank MBE autopsy sheet on Canvas under Class Eighteen. Submit completed MBE autopsy sheet on Canvas.	3
18	3/29/23	Submit electronic copies of all your current outlines for the semester on Canvas.	3
19	3/29/23	Schedule a time to review your outlines with an ASP mentor. You must have your meeting scheduled by 11:59pm on 3/29/23, and your meeting must take place by 4/11/23. Submit meeting time to Canvas.	1
20	3/29/23	Submit a final exam study schedule to Canvas.	3

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<sup>5</sup> For those not in criminal law, you do not have to submit anything for this assignment or attend the cohort breakout class. Instead, I ask that you attend office hours for the elective you are in this semester to review your course content with your professor, TA, or an ASP mentor.

21	3/30/23	Obtain copies of midterm exams from this semester and schedule times to meet with your professors to review them. Submit list of meetings on Canvas.	1
22	4/6/23, at end of class	Submit completed in-class MPT at the end of class. Model answer available under Class Twenty-Two after class for your review.	6
23	4/9/23	Submit survey posted on Canvas.	1
24	4/15/23	Submit five questions for Property that you would like to discuss in the cohort breakout session to Canvas. Please note your professor on your submission	1
25 <sup>6</sup>	4/17/23	Submit five questions for Civil Procedure that you would like to discuss in the cohort breakout session to Canvas. Please note your professor on your submission	1
26	4/22/23	Submit five questions for Criminal Law that you would like to discuss in the cohort breakout session to Canvas. Please note your professor on your submission	1
		Total:	53

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<sup>6</sup> For those not in criminal law, you do not have to submit anything for this assignment or attend the cohort breakout class. Instead, you should use this time to meet with the professor, TA, or an ASP mentor about your additional course.