

LEGAL WRITING II
Spring 2023
Professor Greg Johnson
Syllabus

Office Location: Old Schoolhouse, Rm. 205

Office Hours (masks are required): Tuesday 3:45-5:00 pm; Wednesday 8:30-10:00 am

INTRODUCTION AND OVERVIEW

In this class, you will practice the fundamentals of good legal writing and analysis through work on selected problems in constitutional law. This semester, we turn from objective writing (the hallmark of Legal Research and Writing) to persuasive writing. The class begins with a look at the “revolution” in state constitutional law. You will write an essay in which you identify a problem and propose a solution based on state constitutional law.

The second and third writing assignments are based on cases currently pending before the United States Supreme Court. You will first write a law clerk memo on a First Amendment Free Speech case involving an alleged trademark infringement of Jack Daniel’s iconic whiskey bottle. I will critique a draft of the memo and conference with you on it before you hand in the final copy for a grade.

For the final writing assignment, you will write an appellate brief on another pending First Amendment case, this one questioning whether a federal law which prohibits encouraging unlawful immigration for commercial gain violates the Free Speech Clause for being overbroad. The course concludes with your oral argument in defense of your brief in this case.

COURSE MATERIALS

- Christine Coughlin, et al., *A Lawyer Writes* (3d ed. 2018)
- Bryan A. Garner, *Legal Writing in Plain English* (2d ed. 2013)
- *The Bluebook: A Uniform System of Citation* (21st ed. 2020).
- Course Materials (on Canvas)

GRADING

- 20%** Unit 1: Essay on State Constitutional Law
- 20%** Unit 2: Law clerk memo
- 40%** Unit 3: Appellate brief
- 10%** Unit 4: Oral argument
- 10%** Class Participation (including attendance; preparation for class; contribution to class discussion; and participation in the practice oral argument)

TIMELY SUBMISSION OF ASSIGNMENTS

Students are responsible for submitting assignments at the proper time and place. Unless otherwise noted, assignments are due in the assignment page on Canvas. Any student who fails to submit an assignment on time without prior permission will receive a penalty of one-half grade per day late. Any assignment that is five days late will automatically receive a failing grade.

GUIDELINES FOR COURSE WORK

First, you must adhere to the citation form required by the *Bluebook*. All written work must be double-spaced with one-inch margins on all sides. The typeface should be Times New Roman, 12-point font. You must number the pages of all written work, including the first page, with the page number located at the bottom center of each page.

Second, the Vermont Law School Honor Code governs your work and conduct in this class. Whenever you use the words or ideas of another writer, as you will inevitably do in legal writing, you must acknowledge the original source using a citation. If you use the exact words of another person, use quotation marks and cite the source. Cite the source even if you put another person's ideas in your own words. Never copy from any written material without acknowledging the source.

LEARNING OUTCOMES

At the end of Legal Writing II, students will be able to:

- Use basic rules and principles of legal analysis, writing, and research
- Employ techniques for time management, self-reflection, and collaboration necessary for academic study and professional practice
- Demonstrate persuasive writing techniques to influence a legal outcome or resolution in pending United States Supreme Court cases
- Practice fundamental lawyering skills through a simulated Multistate Performance Test (MPT) exercise as tested on the Uniform Bar Exam (UBE)
- Formulate and present an oral argument