

Legal Research and Writing: An Integrated Approach

Syllabus

Fall 2023

Professor Jane Woldow

Office: VLGS Library

Office Hours: Mondays 3:30-4:30pm

Or 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 CREAC organizational structure (Conclusion/Rule/Rule Explanation/Application/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. Any E. Sloan., *Researching the Law: Finding What You Need When You Need It* (4th ed. 2023).
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 [VLGS'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, and completing all the tasks listed in the schedule below. Pursuant to Vermont Law and Graduate 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 is available to help you with the mechanics of your writing, including grammar, punctuation, sentence structure, paragraph structure, and organization. You may meet with the Writing Specialist before you submit a draft for my review. Contact the Writing Specialist at writingspecialist@vermontlaw.onmicrosoft.com for an appointment.

Unit 1: What is Law? Legal Research and Citation Fundamentals

WEEK 1

Monday, August 28 (session 1)

Topic: American Legal Systems, Hierarchies of Authority, Legal Research Processes

Before class

Read:

- *Researching the Law*, pages 1-26
- *A Lawyer Writes*, pages 29-31
- [An Issue of Sovereignty](#) (National Conference of State Legislatures, linked)
- Excerpt: *June Med. Servs. v. Russo*, 140 S. Ct. 2103, 2134 (2020). (on Canvas)
- Legal Research Process Chart (on Canvas)

After class

- Submit Student Survey Due on Canvas by 11:59 pm on Friday, September 1
- Attend a Westlaw training session

Wednesday, August 30 (session 2)

Topic: Constitutions and Citation Introduction

Before class

Read:

- Preamble [Constitution of the Standing Rock Sioux Tribe](#) (on page 3, linked)
- *Bluebook*, pages 1-4 (Introductions and B1.1)

Review:

- *Bluebook*, B2 (page 6), R11 (pages 119-120), B11 (page 18)

After class

- Attend a Lexis training session
- Exercise: In a paragraph of 100-150 words, using 12 p black Times New Roman Font, 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 1

WEEK 2

Monday, September 4—No Class (Labor Day)

Wednesday, September 6 (session 3)

Topic: Search Strategies, Leveraging Secondary Sources

Introduction to the Unit 1 Assignment

Before class

Read:

- *Researching the Law*, pages 27-58, 65-78

Watch:

- [Lexis Learn](#) Secondary Sources Module (8 min), [Westlaw](#) Secondary Sources Basic (7 minutes)

Review:

- *Bluebook*, R15, R16, B15, B16, R4.2, B4

After class

- Practice researching via the Secondary Sources Memo Exercise
- Practice with [Terms & Connectors searching tutorial](#) (20 min)

WEEK 3

Monday, September 11 (session 4)

Topic: Reading, Researching, and Citing Judicial Opinions

Before class

Read:

- *Researching the Law*, pages 83-96
- *A Lawyer Writes*, pages 45-59

Watch:

- [Westlaw](#) Cases Basic (7 min), [Lexis Learn](#) Caselaw Tools (7 min)

Review:

- *Bluebook*, R10.1-10.5, B10.1- B10.1.3, R6.1, R6.2, Table 6, Table 1

After class:

- Practice citations using [Lexis Interactive Citation Workstation \(ICW\)](#) via exercises 1-3
- Practice researching via the Cases Memo Exercise

Wednesday, September 13 (session 5)

Topic: Using Research Citators, Case Citations Continued

Before class

Read:

- *Researching the Law*, pages 97-109
- *SCOTUS (cleaned up)* [82 OR. ST. B. BULL. 13 \(2021\)](#) (via VLGS HeinOnline)

Watch:

- [Lexis Learn](#) Citator Basics (9 min), [Westlaw](#) Citators Basic (7 min)

Review:

- *Bluebook*, R10.6-10.7, B1.3, B10.1.5, B10.1.6 (Parenthetical information)
R10.9, B10.2 (cases short forms)

After class:

- Practice citations using [ICW](#) via exercise 5
- Practice researching via the Citators Memo Exercise

WEEK 4

Monday, September 18 (session 6)

Topic: Reading, Researching, and Citing Statutes

Before class

Read:

- *Researching the Law*, pages 109-121, 123-129
- *A Lawyer Writes*, pages 33-43

Watch:

- [Westlaw](#) Statutes Basic (5 min), [Lexis Learn](#) Statutory Research Basics (8 min)

Review:

- *Bluebook*, R12.1-12.3, R12.10, B12.1, B12.1.1, B12.1.2, B12.2, (Citing statutes)

After class:

- Practice citations using [ICW](#) via exercise 6
- Practice researching via the Statutes Memo Exercise

Wednesday, September 20 (session 7)

Topic: Researching and Citing Administrative Branch materials

Before class

Read:

- *Researching the Law*, pages 130-133

Watch:

- [Lexis Learn](#): Administrative Law Research (8 min)

Review:

- *Bluebook*, R14.1, R14.2, R14.5, B14

After class:

- Practice researching via the Regulations Memo Exercise
- Start working on Unit 1 Assignment

WEEK 5

Monday, September 25 (session 8)

Topic: Organizing Research Findings, Determining the Governing Rule

Before class

Read:

- *Researching the Law*, pages 59-62, 54-57
- *When to Stop Researching* (on Canvas)
- *A Lawyer Writes*, pages, 61-72, 73-91

After class

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

Unit 2: Legal Writing Structures: Constructing a Legal Argument (CREAC)

Wednesday, September 27 (session 9)

**Topic: One Legal Argument (CREAC), Avoiding Plagiarism, The Plain English Movement
Introduction to the Unit 2 Assignment, Example 1-A Discussion Section**

Before class

Read:

- *Plain English for Lawyers*, pages 3-38, 59-67
- *A Lawyer Writes*, pages 3-14, 93-97, 133-139
- [*Passive Voice*](#) by Laura Da (Poetry Foundation, linked)

Review:

- *Bluebook*, B1.1, R5.1, R6.2, R8 and B5, B8 (block quotes, numbers, capitalization)

After class:

- Start researching for the Unit 2 Discussion Section Assignment (collaboration permitted)

WEEK 6

Monday, October 2 (session 10)

**Topic: Explaining the Law: Sources of Rules and Rule Synthesis
Explaining the Law: Case illustrations**

Before class

Read:

- *A Lawyer Writes*, pages 99-112, 113-32

After class

- Continue researching for the Unit 2 Discussion Section Assignment

Wednesday, October 4 (session 11)

**Topic: Applying the Law: Rule-based Reasoning,
Applying the Law: Analogical Reasoning
Counter-Analysis**

Before class

Read:

- *A Lawyer Writes*, pages 143-61, 163-174

After class

- Prepare Research Findings Report for the Unit 2 Discussion Section Assignment (collaboration permitted). Bring your Research Findings Report to the next class.

WEEK 7

Monday, October 9

NO CLASS—INDIGENOUS PEOPLE’S DAY

Wednesday, October 11 (session 12)

Topic: In-class Legal Research Workshop

Organizing Your Application of the Law

Before class

Read:

- *A Lawyer Writes*, pages 175-77

After class

- Review documents generated from in-class project
- Draft REA of element 1 for the Unit 2 Discussion Memo – bring to next class

WEEK 8

Monday, October 16 (session 13)

Topic: In-class Writing Workshop on the Discussion Section

Before class

Read:

- *A Lawyer Writes*, pages 179-184

After class

- Draft CREAC for the Unit 2 Discussion Memo – bring to the next class

Wednesday, October 18 (session 14)

Topic: The Discussion Section: Introducing and Connecting Legal Arguments

Before class

Read:

- *A Lawyer Writes*, pages 211-27

After class

- Draft Roadmap/Intro, Headings. and Document Conclusion – bring to the next class

WEEK 9

Monday October 23 (session 15)

Topic: In-class Unit 2 Editing Workshop

Before class

Read:

- *A Lawyer Writes* pages 259-267 (editing one argument)

After class

- Finish Discussion Section Assignment due Tuesday, October 24, by 11:59 pm (upload to Canvas) (20%)

Unit 3: Applied Legal Analysis (The Office Memorandum)

Wednesday, October 25 (session 16)

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

Before class

Read:

- *Plain English for Lawyers*, pages 39-54

Review:

- *A Lawyer Writes*, Appendix B pages 383-390

After class

- Sign up for your individual unit 3 conference (on Canvas)
- Begin Research Findings Report for the Unit 3 Open Memorandum Assignment (collaboration prohibited).

WEEK 10

Monday, October 30 (session 17)

Topic: Writing the Question Presented and Brief Answer, Document Conclusions

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

Before class

Read:

- *A Lawyer Writes*, pages 229-44, 255-57

After class

- Finish/refine draft QP/BA
- Continue Research Findings Report for the Unit 3 Open Memorandum Assignment (collaboration prohibited)

Wednesday, November 1 (session 18)

Topic: Writing the Statement of Facts

In-class Writing Workshop on the Statement of Facts

Before class

Read:

- *A Lawyer Writes*, pages 245-57

After class

- Finish/refine draft Statement of Facts
- Finish Research Findings Report for the Unit 3 Open Memorandum Assignment (collaboration prohibited) Research Findings Report is due on Saturday, November 4 by 11:59 pm (upload to Canvas).

WEEK 11

Monday, November 6 (session 19)

Topic: In-class Legal Research Workshop, Incorporating Policy Arguments

Before class

Read:

- *A Lawyer Writes*, pages 185-92

After class

- Outline & draft CREAC for both issues – bring to the next class

Wednesday, November 8 (session 20)

Topic: In-class Writing Workshop on Office Memorandum Outlining

Before class

Read:

- *Plain English for Lawyers*, chapters 8-9

After class

- Update and link memo parts: QP/BA, SOF, Discussion, Headings, Document conclusion

WEEK 12

Monday, November 13 (session 21)

Topic: Editing and Polishing Your Writing
In-class Unit 3 Editing Workshop

Before class

Read:

- *A Lawyer Writes*, pages 268-283 (editing full memo),

Review:

- *A Lawyer Writes*, Appendix B pages 383-390

After class

- Sign up for your individual unit 4 meeting (on Canvas)
- Finish
 - Draft of Office Memorandum Assignment due Thursday, November 16, by 11:59 pm (upload to Canvas) (10%)
 - Final draft of Office Memorandum Assignment is due by 11:59pm within 1 week of individual conferences (20%) Example: If the conference is at 10am on a Wednesday, the final is due by 11:59pm on the following Wednesday.

Wednesday, November 15

No Class

WEEK 13

Monday, November 20

No Class—30 minute conferences on your draft Office Memorandum

Wednesday, November 22

No Class—30 minute conferences on your draft Office Memorandum

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

WEEK 14

Monday, November 27 (session 22)

Topic: Explaining Your Analysis to a Colleague; Legal Research Practice Tools, Introduction to the Unit 4 Assignment, Course evaluations

Before class

Read:

- [*Presenting Your Legal Research to a Colleague*](#) (Think Like a Lawyer blog, linked)

Review:

- [*Court Filings Research Guide*](#) (VLGS Library, linked)
- Sample research project intake checklists (on Canvas)
- *Researching the Law*, pages 35-36, 79, 145-149

After class

- Prepare for your Unit 4 Assignment meeting
- Finish course evaluation

Wednesday, November 29

No Class

WEEK 15

Monday, December 4

No Class—15 minute Supervisor-staff attorney meetings

Wednesday, December 6

No Class—15 minute Supervisor-staff attorney meetings