

LEGAL WRITING II
SECTION 6: TUESDAY & FRIDAY, 11:20 A.M.-12:35 P.M.
SPRING 2024
PROFESSOR GRANT SMITH

Cell Phone: (307) 620-2194

Email: gsmith@vermontlaw.edu

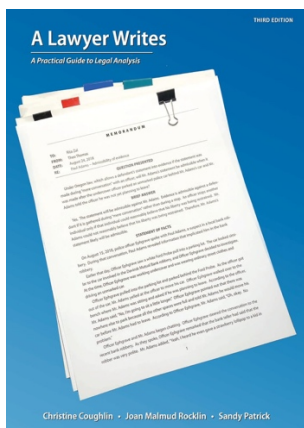
Office Hours: Please call or text to schedule virtual one-on-one office hours. I will also be in my office at 10-11 a.m. on Tuesday, and Thursday. Feel free to stop by.

INTRODUCTION AND OVERVIEW

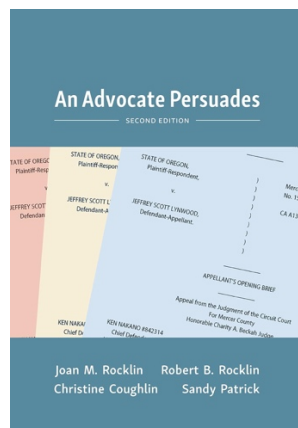
Welcome. In this course, you will represent one client for the entirety of the semester. You are a public defender, and your client has been charged with a crime. You will need to conduct initial research into your client's case, effectively communicate your research findings with your client, and advocate for your client (both in written and oral form). There are two primary goals for the course: (1) sharpen the legal research and writing skills you learned last semester; and (2) develop foundational habits that will help you become a more effective lawyer. While the lectures, non-graded exercises, and graded assignments will primarily focus on legal research and legal writing, we will also explore a host of other topics such as the pitfalls and benefits of generative artificial intelligence, identifying logical fallacies, and managing the professional and personal demands of being a lawyer. Buckle up and enjoy the ride.

As a final note, you will take a mock Multistate Performance Test (MPT) during one class period in April. The MPT is not graded.

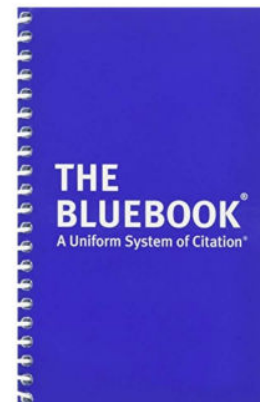
COURSE MATERIALS



(Writes)



(Persuades)



(Cites)

- Additional materials will be posted on Canvas for each class.

LEARNING OUTCOMES

At the end of Legal Writing II:

- You will have a polished work-product (Motion to Suppress) that you are proud of and can use for a professional writing sample.
- You will be able to Bluebook cite, from memory, federal cases, federal statutes, and the United States Constitution.
- You will be able to accept, and, when necessary, implement feedback on your writing.
- You will obtain editing techniques to refine drafts and polish work product.
- You will learn how to effectively communicate complex legal issues to lawyers, and non-lawyers.
- You will be able to objectively assess the strengths and weaknesses of your given position.
- You will learn how to effectively prepare for, and deliver, an oral argument.
- You will remain interested in the law.

GRADING

| | |
|-------------------------|-----------|
| Office Memorandum | 20 points |
| Client Letter | 15 points |
| Motion to Suppress | 40 points |
| Oral Argument | 15 points |
| Miscellaneous Exercises | 10 points |

TIMELY SUBMISSION OF ASSIGNMENTS

You are responsible for submitting assignments at the proper time and place. Assignment submission deadlines are contained in the “Course Schedule” section of this syllabus. Anyone who fails to submit an assignment on time or in the correct manner without prior permission will receive a 10% deduction per day late. Any assignment that is more than five days late will automatically receive a failing grade.

I will grant extensions if called for by exceptional circumstances. To receive an extension, you must request it at least 24 hours in advance of the assignment deadline.



GUIDELINES FOR COURSE WORK

First, you must adhere to the citation form required by the Bluebook. All written assignments will have their own unique formatting requirements. Points will be subtracted from your score if you fail to follow the formatting and citation requirements.

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. This rule covers cases and statutes and applies to every sentence. Citing a source once in a paragraph when the source is mentioned or otherwise relied on in every sentence is unacceptable. Never copy from any written material without acknowledging the source. You will also violate the Honor Code by using a current or former student's work or by looking at materials that I have asked you not to look at. You must receive permission from me before receiving assistance on your writing from any source, including ASP mentors and the Writing Specialist. Except as directed in class, under no circumstances may you receive assistance on the substantive law, your writing, or any other aspect of any assignment from any faculty member, attorney, judge, or other non-VLGS community member. Unless otherwise specified, assignments must be your own work product. Failure to follow these instructions violates the Honor Code.

Finally, this class requires active and responsible class participation. Consequently, you have an obligation both to yourself and to your classmates to come prepared to class and to arrive promptly for all scheduled classes, meetings, and oral arguments.

CLASS ATTENDANCE

Class attendance is mandatory. Students with more than four absences will receive a failing grade for the course.

COURSE SCHEDULE

| DATE | CLASS TITLE | ASSIGNED MATERIALS | DEADLINES |
|------------|---|---|--|
| January 16 | Welcome! | Course Syllabus and Schedule. | |
| January 19 | Lies You Might Have Been Told. | <i>Abolish the Passive Voice?</i> <i>What Science Says About Crafting Persuasive Sentences.</i> <i>Letter from Birmingham Jail.</i> | Bluebook Exercises. Email to me by 5 p.m. |
| January 23 | Court-Appointed Representation. | Discovery Materials. <i>The Human Toll of Money Bail.</i> Federal Bond Statute, 18 U.S.C. § 3142. | |
| January 26 | What Can Generative A.I. Do For You? | Begin Legal Research for Memorandum. <i>The Hidden Cost of AI.</i> <i>How to Edit Effectively and Efficiently.</i> Proof-Reading Marks | Passive Voice Exercises. Email to me by 5 p.m. |
| January 30 | Dissection. | Continue researching and begin writing memorandum. | Source List. Upload to Canvas by 5 p.m.—all sources must be correctly cited. |
| February 2 | The Law Says What?! | Bring your source list and research to class—be prepared to discuss the sources you have found and how you intend to use them. | |
| February 6 | A Jury Of Your Peers. | <i>Editor should be seen and not heard.</i> Continue writing memorandum. | Email your peer editor a section of your memorandum by 5 p.m. |
| February 9 | Finding Your Voice. | Example Motions | Memorandum of Law. |

| | | | |
|-------------|--|---|--|
| | | Edit your peer's section, print off, and bring to class. | Upload to Canvas by 11:59 p.m. |
| February 13 | Forget What You've Heard. | Begin drafting client letter. <i>Writes</i> , pgs. 285-305 <i>Write like a human—not a lawyer.</i> | |
| February 16 | Effective Client Communication. | <i>Writes</i> , pgs. 307-28 <i>Federal judge holds US attorney's office in contempt in probe of recorded attorney-client calls.</i> Rules of Professional Responsibility 1.2, 1.4, 1.6, 3.1, and 3.3. | |
| February 18 | | | Client Letter. Upload to Canvas by 11:59 p.m. |
| February 20 | Motions Practice. | <i>Persuades</i> , pgs. 5-24 and Appendix A (pgs. 369-83) Example Motions | |
| February 23 | What's Your Story? | <i>Persuades</i> , pgs. 181-212 Statement of Facts Examples | |
| February 27 | Structure and Persuasion. | <i>Persuades</i> , pgs. 83-93 and pgs. 273-302 Example Motions | Email me two relevant cases you have found. One that helps, one that hurts – due by 5 p.m. |
| March 1 | Materially Distinguishable. | <i>Persuades</i> , pgs. 29-48 and 95-123 Example Motions | |
| March 5 | No Class--Spring Break. | | |
| March 8 | No Class--Spring Break. | | |
| March 12 | Logical Fallacies. | <i>Persuades</i> , pgs. 125-160, <i>False Persuasion, Superficial Heuristics</i> | |

| | | | |
|----------|--|---|---|
| | | <i>What is a Logical Fallacy?</i> | |
| March 15 | Crossing The Finish Line. | <i>Persuades</i> , pgs. 161-177 | First draft of motion to suppress due on Canvas by 5:00 p.m. |
| March 19 | No Class—First Draft Conferences | | Bring conference agenda to conference (5 pts.); final motion to suppress due on Canvas by 11:59 p.m. one week after conference |
| March 22 | No Class—First Draft Conferences | | |
| March 26 | No Class—First Draft Conferences | | |
| March 29 | No Class—First Draft Conferences | | |
| April 2 | Oral Advocacy. | <i>Persuades</i> , pgs. 303-29 Example Oral Arguments | |
| April 5 | Exploring Your Depths. | <i>Persuades</i> , pgs. 331-350 Example Oral Arguments | |
| April 9 | No Class—Practice and Final Oral Arguments | | |
| April 12 | No Class—Practice and Final Oral Arguments | | |
| April 16 | No Class—Practice and Final Oral Arguments | | |
| April 19 | MP What? | | |
| April 23 | No Class—Take the MPT by 11:59 p.m. | | Take the MPT by 11:59 p.m. |
| April 26 | Farewell! | TBD | |