

Contents

<i>Acknowledgments</i>	<i>xvii</i>
CHAPTER 1 Learning a New Language	1
Introduction	1
What to Expect in Your Legal Writing Class	2
Citation? I Have to Learn That Too?	3
What Do I Need to Do to Succeed at Legal Writing?	3
How This Textbook is Organized	4
CHAPTER 2 Overview of Predictive Legal Analysis	5
Introduction	5
Predictive Legal Analysis and Writing	7
CHAPTER 3 Where Does the Law We Use Come From?	13
The U.S. Constitution and Federalism	14
The Three Branches of Government	15
The Legislative Branch	15
The Executive Branch	15
The Judicial Branch	17
CHAPTER 4 How We Use the Law: Hierarchy of Law	23
Introduction	23
Hierarchy of Law	24
CHAPTER 5 Sample Case File	31
Introduction	31

CHAPTER 6	How to Read, Understand, and Brief Statutes and Cases	43
	Introduction	43
	Reading and Understanding a Statute	44
	How Do Courts Interpret Statutes?	47
	Reading and Understanding Cases	48
	Why Brief Cases?	49
	Studying a Case	53
	Breaking Down a Case	53
	Identifying Parts of a Case: Citation, Caption, Date, Summary, and Headnotes	53
	The Procedural History	56
	Distinguishing Background Case Facts Versus Decisive Case Facts	56
	Identifying the Court's Reasoning (IRAC)	58
	Understanding How a Court Reasons	60
CHAPTER 7	Synthesizing Rules and Identifying Decisive Facts	65
	Introduction	65
	Identifying Decisive Facts in a Client's Case	70
	Synthesizing a Rule in Mr. Clover's Case	70
	The Synthesized Rule in Mr. Clover's Case	73
	Identifying Client Facts	73
CHAPTER 8	Overview of the Office Memorandum	75
	Introduction	75
	Sample Memorandum	76
	Suggested Memorandum Drafting Order	80
	Breakdown of the Parts of an Interoffice Legal Memorandum	80
	The Heading	81
	The Issue or Question Presented	81
	The Brief Answer or Summary	84
	The Facts	85
	The Discussion Section	87
	The Conclusion	87

CHAPTER 9	Writing the Discussion Section of an Interoffice Memorandum	89
	Introduction	89
	How to Organize the Information	90
	Make an Outline	91
	Step-by-Step Approach to Making an Outline	92
	Explaining the Law in a Discussion	96
	The Roadmap (aka Global) Paragraph	97
	Explaining the Law Using Case Examples	99
	A Step-by-Step Approach to Writing the Explanation of the Law	100
	Applying the Law in a Discussion	104
	Organization: Internal Paragraph Structure	109
	Writing the Paragraph's First Sentence	110
	Using Parallel Structure	111
CHAPTER 10	Advanced Writing: Multi-Issue Analysis	113
	Introduction	113
	Developing the Rules in a Multi-Issue Analysis	114
CHAPTER 11	Counter-Analysis	125
	Introduction	125
	Fact and Law-Based Counter-Analysis	126
	Where Does a Counter-Analysis Go in a Memo?	129
CHAPTER 12	Client Letters and Emails	131
	Introduction	131
	Client Letters and Emails	131
	Organization—Long Form	131
	Organization—Short Form	133
	Style and Format	135
	Tips on Professional Email Communication	135
CHAPTER 13	Revising	139
	Introduction	139
	Large-Scale Revising	140
	Internal Paragraph Revising	141
	Micro Revising: Grammar and Mechanics	141

CONTENTS

CHAPTER 14	Legal Writing and ChatGPT	147
	Introduction	147
	Law School Policies on ChatGPT	147
	Research	148
	Ethics	148
	Bias	149
<i>Appendix A</i>	<i>Examples of Different Types of Legal Writing</i>	<i>151</i>
<i>Appendix B</i>	<i>Additional Example of a Predictive Legal Memorandum</i>	<i>163</i>
<i>Appendix C</i>	<i>Case Brief for Winstead</i>	<i>169</i>
<i>Appendix D</i>	<i>Magnolia Cases on Definition of “Way”</i>	<i>173</i>
<i>Appendix E</i>	<i>Additional Outline Example</i>	<i>181</i>
<i>Index</i>		<i>183</i>