

Contents

Available on the Casebook Connect Resources Page xxxv
Preface xxxvii
Acknowledgments xxxix
Introduction: Why Legal Writing Is Important xliii

Part One. Building a Legal Writing Foundation 1

Chapter 1. The United States Legal System 3

- I. Three Branches of the United States Federal Government 4
- II. Court Hierarchy 5
- III. Federal Court System 5
 - A. United States District Courts (Trial Courts) 6
 - B. United States Circuit Courts of Appeals (Appellate Courts) 7
 - C. United States Supreme Court 8
- IV. State Court System 9
 - A. State Trial Courts 10
 - B. State Intermediate Courts of Appeals 10
 - C. State Courts of Last Resort (Highest Court) 12
- V. Alternative Dispute Resolution 14
 - A. Arbitration 14
 - B. Mediation 14
 - C. Collaborative Law 15

Chapter 2. Legal Authority/Sources of Law 17

- I. Common Law, Precedent, and Stare Decisis 18
- II. Types of Legal Authority and Sources of Law 21

- A. Primary Authority 21
 - 1. Constitutions 21
 - 2. Statutes 22
 - 3. Administrative Rules and Regulations 22
 - 4. Case Law 23
 - 5. Treaties 25
- B. Secondary Authority 26
 - 1. Legal Encyclopedias 26
 - 2. *American Law Reports* 26
 - 3. Treatises 27
 - 4. Legal Periodicals/Law Review Articles 27
 - 5. Restatements 27
- III. Hierarchy and Weight of Authority 29
 - A. Hierarchy of Primary and Secondary Authorities 29
 - B. Weight of Authority 30
 - 1. Trial Court Decisions 31
 - 2. Intermediate Appellate Court Decisions 31
 - 3. Court of Last Resort (Supreme Court) Decisions 31
 - 4. Interplay Between Federal and State Courts 32
 - 5. Dicta 34
 - 6. Factors Influencing an Authority's Persuasiveness 34
 - 7. Published and Unpublished Decisions 36

Chapter 3. Working with the Law: Rule Structures and Statutes 39

- I. The Difference Between Factors and Elements 40
 - A. Elements 40
 - B. Factors 40
- II. Types of Rule Structures 42
 - A. Element-Based Rules 42
 - B. Factor-Based Rules 43
 - C. Defeasible Rules 44
- III. Understanding and Analyzing a Statute 45
 - A. Step One: Read the Statute Thoroughly 45
 - 1. Title and Purpose 45

2. Definitions	46
3. Substantive Provisions	46
4. Exceptions and Exemptions	46
5. Penalties or Remedies	46
B. Step Two: Determine the Statute's Parameters	47
1. Identify the Scope of Application	47
2. Determine the Effective Time Frame	47
3. Identify the Geographic and Situational Context	47
4. Understand the Requirements and Prohibitions	48
5. Assess the Legal Consequences	48
C. Step Three: Break Down the Statute into Its Components or Parts	48
IV. Statutory Interpretation	49
A. Plain Meaning Rule	49
1. Ordinary vs. Technical Meaning	50
2. Avoiding Absurd Results	50
B. Legislative Intent and Purpose	50
1. Legislative History	50
2. Statutory Preamble or Purpose Provision	51
3. Secondary Sources	52
C. Administrative Interpretations	52
1. Regulations and Orders	52
2. Chevron Doctrine	52
D. Judicial Interpretation	53
E. Canons of Construction	53
1. <i>Ejusdem Generis</i> (Latin for "of the Same Kind")	53
2. <i>Expressio Unius Est Exclusio Alterius</i> (Latin for "the Expression of One Thing Is the Exclusion of the Other")	53
3. Avoid Rendering a Statute Unconstitutional	54
4. Interpret Statutes to Comport with Common Law	54
5. Read Statutes as a Whole	54
6. Interpret Statutes to Give Effect to Grammar and Punctuation Rules	54
7. Interpret Language Consistently	54
8. Modifying Words or Phrases Modify the Word Closest to the Modifier	55

Chapter 4. Working with the Law: Cases and Types of Legal Reasoning 57

- I. How to Read a Case 57**
 - A. Preliminary Steps 58
 - 1. Know the Jurisdiction 58
 - 2. Review the Case Synopsis 58
 - 3. Read the Headnotes 59
 - B. Detailed Reading and Analysis 59
 - 1. Citation 59
 - 2. Caption 59
 - 3. Attorneys 60
 - 4. Facts 60
 - 5. Issues 60
 - 6. Rules 60
 - 7. Holding 61
 - 8. Reasoning 61
 - 9. Disposition 61
 - 10. Dissenting/Concurring Opinions 61
- II. Why a Case Might Be Valuable 63**
 - A. The Case Establishes the Legal Standard 63
 - B. The Case Clarifies Key Legal Terms 63
 - C. The Case Provides Examples of What Meets the Legal Standard 63
 - D. The Case Shows Examples of What Fails to Meet the Legal Standard 64
 - E. The Case Reveals the Underlying Principles or Policies 64
- III. Primary Types of Legal Reasoning 65**
 - A. Rule-Based Reasoning 66
 - B. Analogical Reasoning 67
 - C. Policy-Based Reasoning 69

Chapter 5. Citation 73

- I. Why Must I Cite? 74**
- II. Where Should I Put a Citation? 75**

- III. When Should I Cite? 76
- IV. How Do I Figure Out How to Cite Legal Authority? 76
- V. How Is *The Bluebook* Organized? 77
 - A. Table of Contents 77
 - B. Bluepages 78
 - C. Rules of Citation and Style/Whitepages 79
 - D. Tables 80
 - E. Index 80
- VI. Deconstructing a Case Citation 81
 - A. Case Names 82
 - B. Reporters 82
 - C. Court and Date Parenthetical 84
- VII. Other Citation Tips and Pointers 85

Chapter 6. Legal Research 87

- I. Where to Start Researching 87
 - A. What Is the Applicable Jurisdiction? What Authorities Are Controlling? 88
 - B. Are There Other Constraints That Will Affect My Research? 88
 - C. Do I Have Any Leads That Can Expedite My Research? 89
 - 1. Starting with a Relevant Statute 89
 - 2. Starting with a Good Case/“One Good Case Method” 90
 - D. What Do I Know About the Topic I Am Researching? 92
 - 1. Legal Encyclopedias 92
 - 2. Treatises 93
 - 3. Legal Periodicals 93
 - 4. *American Law Reports* 93
 - 5. Restatements 94
 - E. Should I Research Online or Use a Print Source? 94
 - 1. Online Legal Research 94
 - 2. Book-Based Legal Research 96
 - 3. Balancing Both Methods 96
- II. When to Stop Researching 97
- III. Ask the Experts: Leveraging the Power of Law Librarians 98
- IV. Conclusion 101

Chapter 7. Strategies for Writing Success 103

- I. Audience and Purpose 104
 - A. Audience 104
 - B. Purpose 106
- II. Samples, Forms, and Boilerplate 107
- III. Overcoming Writer's Block 109
 - A. Dance to the Beat of a Different Drummer 109
 - B. Sweat the Small Stuff 109
 - C. Use "Zero Drafts" to Get Started 110
 - D. Nobody's Perfect 110
 - E. Keep Your Eyes on the Prize 110
 - F. When All Else Fails, Try Flowers 110

Chapter 8. Outsmarting Artificial Intelligence 113

- I. What Is Generative AI? 113
- II. The Role of AI in Legal Writing 115
 - A. Using AI Effectively in Legal Writing 115
 - 1. Drafting Emails or Other Correspondence 115
 - 2. Drafting Legal Documents 116
 - 3. Legal Research and Case Analysis 117
 - 4. Legal Writing Style Assistance 118
 - 5. Contract Review and Analysis 119
 - 6. Electronic Discovery ("E-Discovery") 120
 - B. Ethical Considerations in Using AI 122
 - 1. Client Confidentiality and Data Privacy 122
 - 2. Ensuring Accuracy and Avoiding Misinformation 122
 - 3. Ensuring Competent Representation 124
 - 4. Communicating with Clients 124
 - 5. Avoiding Bias in AI-Generated Content 124
 - 6. Preventing Plagiarism 125
 - 7. Billing Time Accurately 125
- III. Best Practices for Using Generative AI in Legal Writing 126
 - A. Review AI Use Policies 126
 - B. Monitor and Review AI Outputs 126

- C. Maintain the Human Element in Legal Writing 127
- D. Ensure Accountability and Responsibility 127
- IV. Generating Effective Prompts for AI 127
- V. A Glimpse into Agentic AI 131
- VI. Conclusion 132

Part Two. Objective Writing 133

Chapter 9. The Office Memorandum: Audience, Purpose, Overview, Heading, Question Presented, Brief Answer 135

- I. Audience and Purpose 136
- II. Format and Parts of an Office Memo 136
 - A. Memo Heading 137
 - 1. Writer and Recipient 138
 - 2. Current Date 138
 - 3. Subject Line 138
 - B. Question Presented 140
 - 1. Jurisdiction 140
 - 2. Applicable Legal Issue 140
 - 3. Outcome-Determinative Facts (Facts That Matter) 141
 - 4. Drafting a Question Presented 143
 - C. Brief Answer 146
 - 1. Components of a Brief Answer 147
 - D. Brief Answer and Question Presented Work Together as a Team 153

Chapter 10. The Office Memorandum: Facts Section 155

- I. Context Paragraph 156
- II. Body of Facts Section 158
 - A. Organizing an Objective Facts Section 159
 - B. Last Sentence of Facts Section/Transition to Discussion Section 159
- III. Other Best Practices in Crafting an Objective Facts Section 160

Chapter 11. The Office Memorandum: Discussion—Umbrella Sections 165

- I. The Discussion Section 165
- II. The Umbrella Section 166
 - A. Where Is the Umbrella Located? 166
 - B. What Belongs in the Umbrella? 167
 - 1. State Overall Prediction/Conclusion 167
 - 2. State the Policy/Purpose Behind Rules 168
 - 3. State Overarching Rules 168
 - 4. Simplify Overarching Rules 169
 - 5. Dispose of Uncontested Elements/Issues 172
 - 6. Provide a Roadmap of Contested Elements/Issues 174

Chapter 12. The Office Memorandum: CREAC and Point Headings (First C of CREAC) 179

- I. CREAC 180
- II. Prediction Point Headings (Prediction/First C of CREAC) 186

Chapter 13. The Office Memorandum: Stating the Rule (R of CREAC) 189

- I. Locating Legal Rules 190
- II. Targeting On-Point Cases and Remembering Audience and Purpose 192
- III. Finding Collective Meaning from the Cases/Rule Synthesis 193
- IV. Tips and Pointers for Stating a Rule Effectively 201
 - A. State the Rule Simply and in General Terms 201
 - B. Use Present Tense for Rules and Past Tense for Holdings 201
 - C. State Rules Concisely 202
 - D. Do Not Base Objective Rules on Outlier Cases 202
 - E. Use the Funnel or Onion Method to Define Undefined Terms 202
 - F. Use Accessible and Precise Language to Improve Upon the Court 204
 - G. Include Persuasive Authority to Fill in the Gaps 204
 - H. Do the Heavy Lifting for the Reader 204

- I. Only Include Cases in the Rule That Will Later Appear in Rule Explanation and Rule Application (with One Exception) 205
- J. Avoid Using the Word “Test” in Rule Statements 205

Chapter 14. The Office Memorandum: Rule Explanation (E of CREAC) 207

- I. How to Organize a Rule Explanation Paragraph 208
 - A. Thesis or Transition Sentences 209
 - B. Body of Rule Explanation 212
- II. Drafting an Effective Rule Explanation Paragraph 214
- III. Picking the Most Effective Cases to Explain a Part of the Rule 216
- IV. Polishing Your Rule Explanation Paragraphs: Additional Best Practices 217
 - A. Use Descriptive Party Labels, Not Names or Procedural Titles 217
 - B. Exclude Irrelevant or Obvious Information 218
 - C. Keep Client Facts out of Rule Explanation 218
 - D. Maintain the CREAC Structure and Section Alignment 218
 - E. Preserve the Rule/Rule Explanation Distinction 219
 - F. Paraphrase, Rather Than Quote, from Cases 221
 - G. Explain Rule Concepts in Logical, Expected Order 221
 - H. Cite Appropriately and Strategically 221
 - I. Use Clear and Reader-Friendly Language 221

Chapter 15. The Office Memorandum: Rule Application (A of CREAC) and Conclusion (Second C of CREAC) 225

- I. Rule Application (A of CREAC) 226
 - A. Constructing a Transitory Conclusion Sentence 227
 - B. Constructing a Rule Application Thesis Sentence 227
 - C. Employing Effective Analogical Reasoning 230
 - 1. Don’t Compare the Obvious Facts 230
 - 2. Compare Outcome-Determinative Facts 231
 - 3. Compare Like Items (Apples to Apples) 231
 - 4. Be Explicit and Specific in Your Fact Comparisons 232

- 5. Don't Just State Holdings; Compare Facts 233
- 6. Try to Address All Relevant Client Facts 234
- 7. Make Reasonable, Grounded Inferences, Not Leaps 234
- 8. Connect the Dots to Reach a Prediction 235
- 9. Vary Rule Application Structure 237
- D. Using Policy to Support Objective Analysis 239
 - 1. Use Policy to Compare and Distinguish Precedent Cases 239
 - 2. Use Policy to Bolster a Prediction 239
 - 3. Use Policy to Acknowledge Counter-Analysis 239
- E. Counter-Analysis 240
- II. Conclusion/Second C of CREAC 242

Chapter 16: The Office Memorandum: Conclusion Section and Other Office Memo Pointers 247

- I. Conclusion Section 247
- II. Other Office Memo Pointers 251

Chapter 17. Professional Correspondence: Letters, Emails, and Text Messages 255

- I. Communicating with Clients 257
 - A. Use Plain Language 257
 - B. Consider the Audience 257
 - 1. Use Appropriate Formality 257
 - 2. Account for the Client's Education Level, Emotional State, and Past Interactions with the Client 258
 - C. Consider Your Purpose for Writing 260
 - D. Writing a Client Advice Email 260
 - 1. Overall Structure and Format 261
 - E. Choosing the Appropriate Words and Tone for a Client Advice Email 275
 - F. Texting with Clients 277
- II. Communicating with Supervisors 278
- III. Communicating with Opposing Counsel 280

Part Three. Persuasive Writing 283

Chapter 18. The Basics of Written Advocacy 285

- I. Audience and Purpose 285
- II. Developing a Case Theory 287
 - A. Examples of Case Theories 287
 - B. Why Case Theory Matters 287
 - C. Balancing Logic and Emotion in a Case Theory 288
 - D. Collaborate and Research When Developing a Case Theory 288
- III. Selecting a Hero to Support Your Case Theory 289
- IV. Exploring Ethos, Logos, and Pathos 291
 - A. Ethos 291
 - B. Logos 292
 - C. Pathos 292
- V. Persuasive Word Choice Considerations 293
- VI. Professionalism: Interacting with the Court and Opposing Counsel 296
 - A. The Role of the Model Rules of Professional Conduct 296
 - 1. Structure of the MRPC and Key Ethical and Professional Duties 297
 - B. Beyond the Rules: Professionalism in Practice 298
 - 1. Acknowledge Emails 299
 - 2. Be Positive and Respectful 299
 - 3. Be Transparent 300
 - 4. Practice Attention to Detail; Proofread Carefully 300
 - 5. Plan Ahead 301
 - 6. Combat Writer's Block Effectively 301

Chapter 19. Characterizing Facts Persuasively 305

- I. Introduction 305
- II. Persuasive Facts Section 306
 - A. Persuasive Context Paragraph 307

- B. Body of Facts 309
- C. Procedural History 311
- D. Persuasive Fact Characterization Techniques 313
 - 1. Use Active and Passive Voice 314
 - 2. Emphasize Favorable Facts and De-Emphasize Unfavorable Facts 314
 - 3. Use Vivid, Engaging Words to Describe Good Facts and Use Bland, Uninteresting Words to Describe Bad Facts 317
 - 4. Other Persuasive Fact Characterization Techniques 317

Chapter 20. Writing a Persuasive CREAC 321

- I. Introduction 321
- II. Writing a Persuasive CREAC 322
 - A. Conclusion (First C of CREAC) 322
 - B. Rule (R of CREAC) 323
 - 1. Quoting the Relevant Part of a Statute 323
 - 2. Ethical Limits on Persuasive Rule Statements 324
 - 3. Language Differences in Objective vs. Persuasive Rules 324
 - 4. Crafting a Persuasive Rule: Reverse Engineering 326
 - 5. Emphasizing Favorable Policies and Burdens of Proof 327
 - C. Explanation (E of CREAC) 329
 - 1. Objective vs. Persuasive Rule Explanation Thesis Sentences 329
 - 2. Discussing Precedent Cases 330
 - 3. Balancing Positive and Negative Cases 331
 - 4. Incorporating Negative Authority 332
 - 5. Choosing the Order of Cases 333
 - D. Application (A of CREAC) 333
 - 1. Differences Between Persuasive and Objective Rule Application Paragraphs 334
 - 2. Using Client Facts Strategically 334
 - 3. Step-by-Step Logic: Be the GPS for the Reader 335
 - 4. Predictive vs. Persuasive Conclusions 336
 - 5. Crafting Counterarguments 337
 - 6. Choosing the Best Arguments 338
 - 7. Order of Arguments 338
 - E. Conclusion (Second C of CREAC) 339

Chapter 21. Trial Court Motions 343

- I. The Basics of Civil Motions Practice 344**
 - A. How and Why Motions Are Made 344
 - B. Motion Requirements and Ethical Considerations 344
 - C. Procedural Requirements and Local Rules 344
 - D. Types of Motions by Litigation Stage 345
 - E. Best Practices for Drafting and Filing Motions 346
- II. Motions to Dismiss 347**
- III. Motions for Summary Judgment 349**
- IV. Motions for Judgment as a Matter of Law 350**

Chapter 22. Trial Court Briefs 355

- I. Audience 356**
- II. Purpose 357**
- III. Parts of a Trial Court Brief 358**
 - A. Case Caption 359
 - B. Document Title 360
 - C. Introduction 360
 - D. Statement of Facts 363
 - E. Standard of Review 364
 - F. Argument 367
 - 1. Argument Selection and Organization 368
 - 2. Umbrella Section 368
 - 3. Persuasive CREAC 370
 - 4. Advocacy Point Headings 371
 - 5. Counterarguments 372
 - G. Conclusion 373
 - H. Signature Block 374
 - I. Certificate of Service 374

Chapter 23. Appellate Briefs 377

- I. Appeals Process 378**
 - A. Types of Lower Court Error 378
 - 1. Errors of Law/Application of Law to Facts 378

- 2. Errors in Procedure 378
- 3. Errors of Fact 379
- B. Lower Court Error Must Be Preserved at Trial 379
- C. Can Only Appeal If Harmful (or Reversible) Error 379
- D. Can Only Appeal from a Lower Court's Final Judgment 380
- E. Appellate Court Rules and Terminology 380
- II. Audience and Purpose 381**
- III. Writing an Appellate Brief 382**
 - A. The Record 382
 - B. Parts of an Appellate Brief 384
 - 1. Cover Page 384
 - 2. Table of Contents 385
 - 3. Table of Authorities 387
 - 4. Statement of Jurisdiction 389
 - 5. Statement of the Issues 390
 - 6. Statement of the Case 394
 - 7. Summary of the Argument 395
 - 8. Argument, Including the Standard of Review 398
 - 9. Conclusion 406
 - 10. Signature Block 406
 - 11. Certificate of Service 407
- IV. Incorporating Policy Arguments 409**
 - A. Supporting a Legal Argument 409
 - B. Analyzing a Case of First Impression 409
 - C. Limiting the Scope of the Law 410
 - D. Expanding the Scope of the Law 410

Part Four. Introduction to Oral Argument 411

Chapter 24. Rules of Effective Public Speaking 413

- I. Maintain Good Eye Contact 414
- II. Do Not Read Your Argument or Presentation 415
- III. Speak Loudly, Clearly, and Slowly 416
- IV. Watch Your Body Language 417

Chapter 25. The Players, Setting, Costumes, and Stage Direction 421

- I. The Players 422**
- II. The Setting 423**
- III. Costumes 423**
- IV. Stage Direction 424**
- V. What to Bring to the Podium 424**
 - A. Relevant Documents Filed with the Court on Which the Argument Is Based 424
 - B. Information About Important Cases and Any Applicable Statutes or Other Law 425
 - C. A File Folder 425
 - D. Tabs/Sticky Notes 427
 - E. Watch/Timekeeping Device 428

Chapter 26. The Script, Rehearsal, and Director's Notes 429

- I. The Script 429**
 - A. Initial Greeting 430
 - B. Recitation/Statement of the Facts 430
 - C. Introduction/Roadmap 431
 - D. Argument 431
 - E. Conclusion 433
 - F. Thank You/Closing Words 435
 - G. Rebuttal 435
- II. Rehearsal 437**
- III. Director's Notes: Additional Oral Argument Tips and Pointers 438**
 - A. How Do I Professionally Correct Something Opposing Counsel Misrepresented? 438
 - B. How Can I Use the Judge's Questions/Comments to Opposing Counsel in My Favor? 438
 - C. What Should I Do When One Judge Interrupts My Answer to Another Judge's Question or Judges Ask Me Different Questions at the Same Time? 439
 - D. What External Factors Should I Be Mindful of When Preparing My Speaking Style? 439

- E. What Should I Memorize? 440
- F. How Can I Be Mindful of My Time? 440

Chapter 27. Before the Bench—How to Treat Judges and Answer Questions 443

- I. Questions from the Bench 443
- II. How to Answer a Judge’s Questions 444
- III. How Not to Answer a Judge’s Questions 446
 - A. Do Not Make a Judge Wait for Your Answer 446
 - B. Do Not Fight a Judge’s Hypos 447
 - C. Do Not Tell a Court What It Should or Must Do or Not Do 447
 - D. Do Not Lie or Make Up an Answer 447
 - E. Do Not Ask Rhetorical Questions 448
 - F. Do Not Compliment the Judges for Their Questions 448
- IV. What to Do in Court 448
 - A. Present a Distraction-Free Appearance 448
 - B. Refer to the Judge and Other Parties or Opposing Counsel Correctly and Respectfully 449
 - C. Know the Record and the Cases 449
 - D. Research Your Judges, If Possible 450
 - E. Take a Breather 451
 - F. Use Vivid and Clear Word Choice 451
- V. What Not to Do in Court 452
 - A. Do Not Give Up Your Poker Face 453
 - B. Do Not Use Hand Gestures with Unintended Visuals 453
 - C. Do Not Use Potentially Annoying Phrases 453
 - D. Do Not Use Unnecessary Filler Words and Informality 454
 - E. Do Not Use Personalization 454
 - F. Do Not Unnecessarily Apologize to the Court 455
 - G. Do Not Forget Your Place in the Procedural Process 455
 - H. Do Not Use Words Incorrectly 456
 - I. Do Not Present a Jury Argument to an Appellate Judge 456
 - J. Do Not Look Up or Down or Totally Avert Eye Contact with the Court When Thinking 456

- K. Do Not Look Over People or at the Wall or Clock When Talking and Think No One Will Notice 457
- L. Do Not End Early 457

Chapter 28. Virtual Oral Arguments 459

- I. Introduction 459
- II. Benefits of Virtual Oral Arguments 460
- III. Current Landscape of Virtual Oral Arguments 460
- IV. Tips and Pointers for Virtual Oral Arguments 461

Beyond the Book: Supplemental Online Content*

Part Five. Writing Mechanics 465

Chapter 29. Grammar for Legal Writers 467

- I. Practice the KISS Principle 468
- II. Maximize the Active Voice and Minimize the Passive Voice 469
 - A. Active Voice 469
 - B. Passive Voice 470
- III. Avoid First Person, Colloquialisms, and Rhetorical Questions in Most Legal Writing 470
- IV. Check for Subject/Verb Agreement 471
- V. Keep the Subject and Verb Close Together 472
- VI. Know the Essential Rules for Forming Plurals 473
- VII. Avoid Ambiguity 474
- VIII. Eliminate Misplaced Modifiers 474
- IX. Dispel Common Writing Misconceptions 476
 - A. Grammar Misconception #1: Never Begin a Sentence with “And,” “But,” “Or,” or Other Coordinating Conjunctions 476
 - B. Grammar Misconception #2: Never End a Sentence with a Preposition 476
 - C. Grammar Misconception #3: Never Split an Infinitive 477

**The online chapters are on Casebook Connect and in the eBook*

- X. Check for Subject/Pronoun Agreement 477
- XI. Check for Noun/Pronoun Agreement 478
- XII. Use “That” and “Which” Properly 479
- XIII. Use “However” Correctly 480
- XIV. Use Parallel Structure 480
- XV. Avoid Meaningless Adverbs 480
- XVI. Use Capitalization Properly 481

Chapter 30. Punctuation 483

- I. Commas 484
 - A. Use a Comma to Separate Two Independent Clauses Joined by a Coordinating Conjunction 484
 - B. Use a Comma to Separate Items in a Series 485
 - C. Use a Comma in Dates 486
 - D. Use a Comma to Set Off Introductory Phrases or Transitions 487
 - E. Use Commas to Set Off Nonessential Information 487
- II. Semicolons 488
 - A. Use a Semicolon to Separate Items in a Series 488
 - B. Use a Semicolon to Separate Closely Related Independent Clauses (Without a Transition Word) 489
 - C. Use a Semicolon Before a Transition Word That Links Two Independent Clauses 489
- III. Colons 490
 - A. Use a Colon to Introduce a List of Items 490
 - B. Use the Correct Number of Spaces After a Colon 490
- IV. Quotation Marks 491
- V. Apostrophes 491
 - A. Possessive Apostrophes (Possessives) 492
 - B. Contractions 493
- VI. Dashes 493
 - A. Hyphens 494
 - B. En Dashes 494
 - C. Em Dashes 494

Chapter 31. Editing and Proofreading 497

- I. Editing 497
 - A. Sentence Construction 498
 - B. Paragraph Construction 498
 - C. Eliminate Redundant Phrases and Wordiness 498
 - D. Avoid Throat-Clearing 499
 - E. Use Plain Language/Avoid Legalese 500
 - F. Promote Clarity/Avoid Ambiguity 502
 - G. Use Transitions 504
 - H. Avoid Nominalizations 504
 - I. Eliminate Unnecessary Prepositional Phrases 505
 - J. Avoid Double Negatives 506
 - K. Eliminate Unnecessary Variation/Edit for Consistency 506
- II. Proofreading 507

Part Six. Leave 'Em Wanting More—Next Steps 511

Chapter 32. Writing Samples, Cover Letters, and Resumes 513

- I. Writing Samples 513
 - A. What Kind of Document Makes the Most Effective Writing Sample? 514
 - B. How Long Should My Writing Sample Be? 517
 - C. What Content Should I Cut from My Document to Meet Page Requirements? 517
 - D. Should I Have More Than One Writing Sample Ready to Send to Employers? 520
 - E. What Should I Say About My Writing Sample on the Cover Page? 520
 - F. How Should I Submit My Writing Sample to a Potential Employer? 522
- II. Cover Letters or Emails 523
- III. Resumes 525

Chapter 33. Law School Exams 529

- I. Characteristics of a Successful Final Exam Taker 530**
 - A. Understand the Call of the Question 530
 - B. Active Reading 530
 - C. Comprehensive Issue Spotting 531
 - D. Stating Accurate and Applicable Rules 533
 - E. Thorough Legal Analysis 533
- II. Organizing an Exam Answer 535**
 - A. CREAC 536
 - B. IRAC 536
 - C. Using IRAC to Organize an Exam Answer 537
- III. Tackling Multiple-Choice Questions 541**
- IV. Other Exam-Taking Tips and Pointers 542**

Chapter 34. Getting the Most from Your Summer Work Experience 545

- I. Ask Questions on the Job: Be Humble and Prepared 546**
- II. Clarify Expectations and Deadlines from the Outset 546**
- III. Navigating Court Proceedings and Etiquette 547**
 - A. Courtroom Etiquette 547
 - B. Common Court Proceedings 547
- IV. Aim to Achieve Two Key Goals 548**
- V. Maintain a Work Log 549**
- VI. Prepare Yourself for Expedited Deadlines 549**
- VII. Issue Spotting in Practice 550**
 - A. Focus on Key Facts and Context 550
 - B. Understand the Legal Framework and Common Issues 550
 - C. Practice Active Listening and Reading 551
- VIII. Maximizing Your Summer Job Experience 551**
- IX. Navigating Remote Work 551**
- X. Learn What You Like and Do Not Like 552**
- XI. Managing a Slow or Overwhelming Experience 552**
- XII. Maintaining a Work-Life Balance 552**

XIII. Handling Conflicting Instructions and a Lack of Clear Guidance 553

XIV. Presenting Legal Research to a Supervisor 553

XV. Interacting with Clients During a Summer Legal Job 555

XVI. Understanding the Firm or Organization 556

XVII. Types of Legal Documents Written in Different Practice Areas 556

XVIII. Conclusion 560

Appendices

1. Annotated Evans Sample Single Issue Office Memo A-3
2. Annotated Evans Sample Multiple Issue Office Memo A-15
3. Annotated Evans Sample Client Advice Email A-31
4. Annotated Sample Trial Court Brief in Support of Evans' Motion to Dismiss A-37
5. Annotated Sample Trial Court Brief in Opposition to Evans' Motion to Dismiss A-49
6. Annotated Stimpson Sample Appellate Brief A-59

Glossary G-1

Index I-1