

Preface

One of the first things that you learn as a first-year law student is that law school textbooks are big. The casebooks for your doctrinal courses are big, and this book, your legal writing textbook, is also big. While we will let your other professors explain why their casebooks are so big, we want to take a moment to explain the size of this book.

This book is big because each part is, essentially, a separate book. Think of that as a bargain and not a burden. Part I introduces you to law school, to the U.S. legal system, and to reading statutes and cases. Part II introduces legal research, describing many of the sources that you will use and providing you with an overview of effective research strategies.

The next three Parts walk you through the process of drafting, revising, and editing some of the most common types of legal documents: Part III moves you, step by step, through the process of writing formal predictive memos, e-memos, and advice letters, and Parts IV and V do the same for motion and appellate briefs. In addition, Part VI covers making oral arguments before a court. We then turn to writing in general. Parts VII and VIII contain information about writing effectively and correctly, and Part IX addresses the grammatical and rhetorical writing issues that English-as-a-Second-Language law students and lawyers face. In other words, once you add your citation book, this book and its online resources contain everything you need for learning legal research, analysis, and writing.

If your school has a one-year legal writing program, you probably will not have enough time to cover the material in every chapter, but we hope you will be glad to have them at your fingertips when you graduate and start to practice. If your school has a three- or four-semester legal writing program, you will probably use the material in Parts I, II, and III in your first year of law school and the material in Parts IV, V, and VI in your second year. Think of Parts VII, VIII, and IX, which have all the general writing chapters, as reference books that you will use both in law school and in practice.

In addition, this book is big because it contains numerous examples. Our experience as professors who teach legal writing has taught us that most students find models and examples important keys to learning legal writing. So, instead of just telling you what to do, this book shows you what to do.

Finally, this book is big because becoming a good legal writer is a complex process involving skills that can take years to master. Although many students entering law school are good writers, few are good legal writers. Therefore, even though you are able to write an effective term paper, business letter, or report without additional instruction, you are going to need help to write a predictive memo or appellate brief; help in learning how to do legal research;

help in learning to read and analyze the information that you find in doing that research; help in learning the conventional formats for memos, letters, and briefs; and help in learning how to present complex ideas and arguments clearly and concisely without any mistakes in grammar or punctuation.

Our hope is that this book will provide you with more than a weightlifting program. Yes, it is big and a bit heavy, so you may actually develop a few muscles carrying it around. The muscles we care about, though, are the mental ones that will make you a successful attorney. It is to that end that we hope you will see this book as just what you need—the perfect exercise for the well-built legal mind.

By purchasing a copy of this book, you have access to Casebook Connect, which has exercises under the Resources tab that are designed to reinforce the advice about writing style and the rules of grammar and punctuation. Refer to the sticker on the inside front cover of your book for instructions on accessing the website. See www.CasebookConnect.com/Resources for more information. Finally, this edition also includes “Quick Tips” about writing at the end of the book. These tips will help you learn applied solutions to common problems that emerge in legal writing.

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