

Preface

This book is a concise text that tracks the traditional legal writing course syllabus. It groups relevant material together instead of scattering it in different stages of the writing process. It includes numerous examples and uses frequent short exercises to encourage students to apply new material. It provides students with the necessary structure for organizing a legal discussion. Finally, it includes discrete materials that offer students the opportunity to explore a deeper level of understanding than its small size would imply.

The Book's Organization: Part One explains the legal system and introduces lawyers' roles within that system. Part Two explains how to work with the raw material for analysis. It covers briefing and synthesizing cases, analogizing and distinguishing case law, and interpreting statutes. Part Three presents the traditional organizational formats for communicating the analysis of a legal question (the basic IRAC or CRAC structures). Parts Four and Five cover the components of office memos, letters, trial-level briefs, and appellate briefs. Part Six presents material on citation and style and Part Seven introduces oral argument.

How This Book Differs: The primary difference between this book and my earlier text, *Legal Writing: Process, Analysis, and Organization*, is the way the material is grouped. This book is not so unrelenting in its process approach, though it still recognizes writing as a process. The first book presents its material in stages defined entirely by a writer's progress toward completing a particular assignment. While that approach offers real advantages, course time and resources do not always permit its use and *Process, Analysis, and Organization* is less flexible pedagogically. In contrast, this book groups relevant material together in a more efficient manner while still providing guidance about the writing process. That guidance is identified throughout the book by the recurring symbol shown in the margin.

Examples and Exercises: Another characteristic of this book is its frequent use of examples and exercises. For instance, Chapter 1 succinctly describes the writing roles of planning and prevention, prediction, and persuasion, and then describes several hypothetical situations asking students to decide which kind of writing each situation would require. Later in that chapter, after an introduction to plagiarism and the purposes of citation, students see examples of when to cite and then read a short legal discussion and identify the ideas that need citations. This pattern of examples and exercises continues throughout the book.

Organizing a Legal Discussion: The book explains the standard IRAC and CRAC paradigms and explains how to use those paradigms in discussions of multiple issues. The book introduces the structures inherent in rules and shows students how to use those rule structures to identify issues and to organize their written discussions.

Flexible Levels: Each major section presents its material at a basic introductory level so all the core information is concisely grouped. Courses that have time for a more advanced treatment can also cover optional chapters that take students deeper into the material. For instance, the core chapters of Part Two explain briefing and synthesizing cases and interpreting statutes. This material is presented at a level appropriate for all students. Then, Part Two concludes with an optional



more advanced chapter explaining the major forms of reasoning lawyers use and providing examples and simple exercises for that material.

Similarly, in Part Three, the core chapters explain how to organize and write a legal analysis, including how to analogize and distinguish cases. This material is presented at a level appropriate for all students. Then Part Three ends with an optional chapter showing students how to broaden and deepen their analysis in each part of their IRAC or CRAC structure. This chapter can be assigned as required reading, assigned as optional reading, or omitted entirely.

Finally, in Part Five, the core chapters explain how to write a trial-level and appellate brief. These chapters present everything a first-year student needs to know to write her first brief. Then Part Five ends with an optional and completely free-standing chapter explaining how a lawyer can use her awareness of a judge's legal philosophy to target her argument more effectively. Again, this supplemental chapter can be assigned as required reading, assigned as optional reading, or omitted entirely.

The goal of this book is to provide a pedagogically flexible text for basic legal writing, readily adaptable to fit the needs of any traditional legal writing course. It presents the fundamentals in a concise, lucid style for first year students. It also offers discrete sections of more advanced material that can be included or omitted at the discretion of the professor. The book includes ample examples and exercises, which relieve the professor of the burden of generating such material, but that may nonetheless be supplemented at any point. It is, in short, a basic text, adaptable to a wide variety of legal writing programs.

In the Second Edition, Chapter 12 ("Writing an Office Memo") now contains an additional format option for drafting a Question Presented. Otherwise, most of the changes pertain to re-ordering some of the material in Part Five ("The Shift To Advocacy"). The coverage has been reorganized to facilitate assigning the material in a useful order. In this edition, Chapter 14 is streamlined to include only the necessary introductory material and the standard components of both trial-level and appellate briefs. Chapter 15 then explains how to draft both questions presented and point headings. Chapter 16 covers writing the argument section and now includes the material on different kinds of legal issues (formerly found in Chapter 14). Chapter 17 now covers the standards of review, so that free-standing material can be assigned when and where appropriate. Chapter 18 covers fact statements (formerly Chapter 16). Finally, the citation and quotation material (Chapter 20) has been revised to match the current editions of the *ALWD Citation Manual* and the *Bluebook*.

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