

ASPEN COURSEBOOK SERIES

Legal Reasoning, Research, *and* Writing *for* International Graduate Students

FOURTH EDITION

Nadia E. Nedzel



Wolters Kluwer

ASPEN COURSEBOOK SERIES

**LEGAL REASONING,
RESEARCH, AND WRITING
FOR INTERNATIONAL
GRADUATE STUDENTS**

Fourth Edition

Nadia E. Nedzel, J.D., LL.M.

Southern University Law Center



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SUMMARY OF CONTENTS

<i>Contents</i>	<i>xi</i>
<i>Preface</i>	<i>xxiii</i>
<i>Acknowledgments</i>	<i>xxv</i>
Introduction and Survival Skills (Case Briefing and Outlining)	1
Chapter 1 United States Common Law	27
Chapter 2 Introduction to American Legal Research and the Federal System	51
Chapter 3 Legal Reasoning and Objective Legal Writing	83
Chapter 4 The Legal Process	125
Chapter 5 The Research Process	145
Chapter 6 Researching and Updating Case Law	179
Chapter 7 Researching and Interpreting Constitutions, Statutes, Regulations, and International Law	195
Chapter 8 Rewriting and Style	221
Chapter 9 The Technological Revolution in Law	253
Chapter 10 Advanced Objective Writing	279
Chapter 11 Persuasive Writing	311
Chapter 12 Drafting Contracts	359
Appendix A Preparing for and Taking Examinations	385
Appendix B Drafting Advisory Memoranda for Attorneys in the United States	403
<i>Index</i>	<i>411</i>

PREFACE

This book was conceived as a response to a perceived need, and I have been delighted and gratified by students' enthusiasm about it, and by how widely it has been adopted—the book has been translated into Chinese and I have been told that I am now famous in Afghanistan! I hope this Fourth Edition proves to be even more helpful to students of U.S. law in the United States itself and around the world. In this Fourth Edition, I have intentionally and carefully maintained the concise, user-friendly approach adopted from the First Edition by beginning with an introduction that provides students with the study skills they will need immediately in U.S.-style doctrinal law classes: reading techniques, briefing cases, outlining, and even scheduling study time. My belief is that LL.M. students should be acquainted first with what is different about U.S. law schools, and then, in Chapter 1, why those differences exist. There are a few significant changes to the Fourth Edition: updating throughout, some new exercises, a rule synthesis example, a bit of help distinguishing between which and that. The two most significant changes, I believe are to Chapter 9 and Appendix A. In Chapter 9, my continuing aim has been to introduce students to the vast changes technology is bringing to the practice of law in the United States, above and beyond computer-assisted legal research. As technology has continued to develop in the past four years, its adoption in the legal profession continues to evolve. Appendix A on exam-writing has consistently proven to be one of the most useful sections of the book to both LL.M. and J.D. candidates. The Fourth Edition incorporates “T-charting” – a quick, effective method of outlining exam answers that helps students both organize them and verify that they have systematically addressed every element of a legal concept in their analysis.

When I first began teaching Legal Reasoning, Research, and Writing to LL.M. candidates in 1999, I quickly found that the existing textbooks were inappropriate for this particular group of students. Despite their many virtues, textbooks designed for J.D. students presumed a reader unfamiliar with law. Thus, they seemed patronizing to LL.M. candidates, many of whom had already practiced law in their native countries. Additionally, they contained far too much material, moved too slowly, corrected writing problems non-native English speakers were unlikely to have, and failed to address the reasoning, organizational, and writing problems my students were likely to face. Furthermore, those textbooks did not address the differences between civilian and common law methodology, something I understood due to my background in comparative and bi-jural law, which mixes elements of both legal systems. Already finding it difficult to read large amounts of material in their doctrinal classes, my students were further frustrated by having to use one textbook for writing and another for research, plus the Bluebook or ALWD and a style book. As a result, they felt mired in extraneous reading and unnecessary detail, and were losing focus developing active common-law lawyering skills.

I strongly believe that a short, clear, direct textbook is the best approach to this subject because it allows both the instructor and the students to focus on what is most needed: active skill development rather than more reading, especially at a time when many of them are dealing with immersion in a new language and a new culture. Consequently, I offer this Fourth Edition in the hope that it will continue to be useful and welcome. Please feel free to contact me directly should you have comments or suggestions. I am always looking for new ideas to help students learn.

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I would like to thank Southern University Law Center, former Chancellor Freddie Pitcher, current Chancellor John Pierre, and Vice Chancellor Russell Jones for their continued support and encouragement in all my endeavors. I would also like to thank my very able research assistant, Ms. Candace Ford, for all of her help without which this Fourth Edition would not have been possible. Improvements could not have been made without the able assistance of Aspen editor Dana Wilson. Mistakes remain mine alone. Finally, I would like to thank LL.M. students all over the world, to whom the book is dedicated.

Nadia E. Nedzel
Southern University Law Center

July 2016

CONTENTS

<i>Preface</i>	xxiii
<i>Acknowledgments</i>	xxv
Introduction and Survival Skills (Case Briefing and Outlining)	1
I. Preparing for and Participating in U.S. Law School Classes	1
II. Active Reading and a Study Plan	4
A. Time Management and Prioritization	4
B. Engaged Reading and Studying	4
1. Strategic Reading	6
2. Reading with Focus and Efficiency	8
3. Engaged Reading	8
III. Briefing Cases	9
A. Components of a Case Brief	10
<i>Exercise</i>	19
<i>Supplementary Exercise</i>	25
Chapter 1 United States Common Law	27
Introduction	27
I. The Nature of U.S. Common Law, as Compared to Other Legal Systems	28
A. U.S. Common Law Contrasted with Civilian Jurisdictions	28
B. Background Norms of United States Law	32
1. United States Law as Compared to Shar'ia (Islamic) Law	32
2. United States Law as Compared to Asian Legal Traditions	34
3. United States Legal Philosophy as Compared to Marxist/Leninist Theories	35
II. Comparative Development of Western Legal Systems	38
A. The Civil Law Tradition	38
B. The Anglo-American Development of Common Law	38
1. The Founding of Circuit Courts, Separation of Law and Religion, and Stare Decisis	39
2. The Role of Scholars	40
3. The Jury System	41
4. Common Law Civil Procedure: Writ Pleading, the Distinction between Law and Equity, and Its Effect on the Jury System	43
5. Legal Education	44
III. The Study of Law in the United States: The Case Method	45
<i>Discussion Notes</i>	48
<i>Bibliography</i>	49

Chapter 2	Introduction to American Legal Research and the Federal System	51
I.	United States Legal Resources	51
A.	Types of Legal Resources	51
B.	Advantages and Disadvantages of Various Research Media	52
II.	Research Techniques and Interpretive Skills	54
III.	The First Research and Interpretive Skills: Finding a Given Legal Authority and Understanding Its Relative Weight	54
A.	Primary Authority and Citation Forms	56
1.	Constitutions	56
2.	Statutes	58
3.	Regulations	60
4.	Case Law	60
a.	The Role of Judicial Review	61
b.	Official and Unofficial Versions	62
c.	Commercial Versions versus Official Versions	62
d.	Federal Court Reporters	63
e.	Regional Reporters	66
5.	International and Foreign Law	66
B.	Secondary Sources	66
IV.	The First Interpretive Skill: Relative Weight of Authority	69
A.	Primary versus Secondary Authority (i.e., law and not-law)	69
B.	Primary Authority: the Three-Tier Court System	70
C.	Primary Authority: Mandatory versus Persuasive	70
D.	Federalism, Subject Matter Jurisdiction, and the Preemption Doctrine	71
E.	Timeliness	74
	<i>Discussion Notes</i>	76
	<i>Exercise</i>	78
	<i>Exercise Hints for Various Media</i>	81
Chapter 3	Legal Reasoning and Objective Legal Writing	83
	Introduction	83
I.	Deductive Reasoning and the Syllogism	84
II.	IRAC and CRAC Reasoning	85
A.	I: Identification of an Issue	87
B.	R: Analysis of a Legal Rule	88
1.	Types of Legal Rules	88
a.	Elemental or Conjunctive Rules	88
b.	Disjunctive Rules	89
c.	Exceptions	89
d.	Factors and Balancing Tests	89
e.	Totality-of-the-Circumstances Rules	91
2.	Difficulties in Stating Common Law Rules	91
3.	Inductive Reasoning: Incorporating Case Law into the Rule Analysis	93

4. Incorporating Policy Concerns	93
5. Considering Relative Weight of Authority	94
C. A and C: Application and Conclusion	95
III. Example of IRAC Analysis: The Gun-in-the-Boot Problem	95
A. Facts and Basic Rule Analysis	96
B. Case Law	96
C. Issue Identification	97
D. Example of a Case Law Chart	98
E. Factual Comparisons to the Harris Problem	99
F. Policy Analysis	100
G. Summary	100
IV. The Interoffice Memo	101
A. The Assignment: Interviewing the Employer	101
B. Interoffice Memo Form	102
C. Discussion Section	105
1. Two-Issue Discussion Sections	105
a. Rule Section (major premise)	105
b. Application Section (minor premise)	106
2. Concluding Sentence	107
D. Other Information about the Interoffice Memo	107
1. Tone and Style	107
2. Citations	107
3. Plagiarism	108
4. Revising	110
V. Sample Interoffice Memo	111
VI. The Open Research Memo	113
A. Definition of an Open Research Memo	113
B. Similarities and Differences between Closed and Open Memos	113
C. Checklist: Researching and Writing the Open Memo	114
<i>Discussion Notes</i>	115
<i>Exercise</i>	123
 Chapter 4 The Legal Process	 125
Introduction to Civil and Administrative Procedure	125
I. U.S. Civil Trial Procedure	126
A. Summary of Civil Trial Sequence	126
B. Documents and Details of Civil Trials	127
C. Pretrial Procedure and Documents	128
1. Preliminary Documents	128
2. Discovery	131
a. Policy Reasons for Broad Powers of Discovery	131
b. Types of Discovery	132
D. The Trial	134
E. Levels of Proof and Standards of Review	135
1. Level of Proof at Trial	135
2. Standards of Review	136

II. Administrative Process	137
A. Rulemaking Processes	138
B. Adjudication Processes	139
C. Judicial Review of Agency Decisions and the <i>Chevron</i> Standard of Review	140
<i>Discussion Notes</i>	142
Chapter 5 The Research Process	145
Introduction	145
I. Ethical and Practical Demands	146
II. The Research Process	147
III. Research Advice	147
A. Media Choices	147
1. Comparison of Fee-Based Computer Databases	149
2. “Free” Legal Research: Noncommercial, Non-Fee Computer Databases and Crawlers	151
3. Microforms	152
B. Finding Tools	152
C. Keeping on Track, Saving Citations	153
D. Preserving Research Results	154
E. Reading for Research	154
F. Planning Project Time	155
G. Determining When Research Is Complete	155
IV. Stage 1: Background Research and Preparation	156
A. Facts: Who, What, When, Where, Why, and How	157
B. Jurisdiction, Area of Law, and Issue or Search Terms	157
C. Research Media Choice	158
D. Initial Research Plan	158
E. Research in Secondary Sources	158
1. Get an Overview of Area of Law and Underlying Policy Considerations	159
2. Identify Probable Source or Sources of Law	159
3. Revise List of Search Terms or Issue Statement	159
4. Locate Applicable Legal Principle	159
5. Scavenge Secondary Sources for Citations to Mandatory Authority	159
F. Issue Statement Refinement	160
G. Research Plan Refinement	160
H. Sample Research Log	160
V. The Purpose and Importance of Secondary Research	166
A. Secondary Sources: Hard Copy or Online?	167
B. Types of Secondary Sources	168
1. Restatements	168
a. Media Choices	170
b. How to Cite Restatements	171
c. Updating Restatements and Scavenging for Primary Authority	171

2. Treatises and Hornbooks	171
a. Research Methods for Treatises	172
b. Media Choices	172
c. How to Cite Treatises	173
d. Updating Treatises	173
3. Legal Periodicals	173
a. Finding an Appropriate Article	174
b. Citing Law Review Articles	175
c. Updating Law Review Articles	175
4. American Law Reports	175
a. How to Find A.L.R. Annotations	175
b. Updating A.L.R. Annotations	176
c. Citing A.L.R. Annotations	176
5. Legal Encyclopedias	176
6. Digests	176
<i>Discussion Notes</i>	178
<i>Exercise</i>	178
Chapter 6 Researching and Updating Case Law	179
Introduction	179
I. Finding and Verifying Case Law	179
A. Scavenging from Secondary Sources	180
B. Using Citators to Verify, Update, and Broaden Research	181
1. Scavenging Cases from Citations Given in a Case	181
2. Citators	181
3. Using Citators to Verify Case Law	182
4. Using Citators to Locate Case Law and Secondary Authority	184
5. The Importance of Citators	184
C. Locating Case Law Using Subject Indexes	185
D. Term and Full-Sentence Searches on Internet Databases	186
1. Choosing the Appropriate Database	186
2. Choosing between Boolean and Full-Sentence Searches	186
3. Avoid Boolean and Full-Sentence Searches until You Have Used Other Methods	187
4. Tailoring Boolean Searches for Accuracy	187
II. Citing Cases	188
A. The Case Name	188
1. Short-Form Case Names	189
B. Reporter Information, Volume and Page Numbers	189
1. Parallel Citations	190
2. Pinpoint Citations	190
a. Locating Page Numbers	190
b. Citing Multiple Pages	191
C. Court and Year	191
D. Subsequent History	191

E.	Short Citation Forms	192
	<i>Discussion Notes or Exercises: Finding and Citing</i>	
	<i>Case Law</i>	192
Chapter 7 Researching and Interpreting Constitutions, Statutes, Regulations, and International Law		195
I.	Statute, Regulation, or Case Law: Which Is It?	195
II.	Researching Constitutions	197
III.	Researching Statutes	198
	A. Locating Statutes	198
	1. Scavenge from Secondary Sources	198
	2. Use Subject Indexes to Locate Controlling Statute	198
	3. Analyze Associated Statutes	199
	4. Locate and Analyze Noted Cases in Annotations	199
	5. Use Citators to Update and Broaden Case Research	200
	6. Use Term and Sentence-Form Searches	200
	7. Research Legislative History If Needed	200
	B. Congressional Powers and the Legislative Process	200
	1. Structure and Functions of Congress	200
	2. How a Bill Becomes Law	201
	3. Researching New Statutes	203
IV.	Researching and Updating Administrative Regulations	204
V.	Interpreting Statutes	205
	A. Plain Language	206
	B. Textualist Approach	209
	C. Purposive Interpretation	210
	1. Documents Generated During the Legislative Process	210
	2. Weight of Authority in Legislative History	211
	3. How to Find Legislative History Documents	211
	4. Controversies Surrounding Legislative History	212
	5. Interpretations Based on Public Policy	213
VI.	International Law and Treaties	213
	A. Researching International Law Online	214
	B. U.S. Interpretations of International Law	214
	<i>Exercises</i>	215
	<i>Bibliography</i>	219
Chapter 8 Rewriting and Style		221
I.	United States Legal Writing Rhetoric	221
	A. The Ideal	221
	B. The Reality	222
II.	Rewriting	222
III.	Reorganization	222
	A. The Macro-Organization of an Objective Memo	223
	B. Reorganization of the Discussion	224

C.	Small-Scale Organization of the Rule Section	226
1.	Use of Case Law and Avoidance of Laundry Lists	227
2.	More Than One Problematic Component	227
3.	Sequence of Cases	227
4.	Paragraphs Discussing Cases	228
5.	Incorporating Secondary Authority	228
D.	Small-Scale Organization of an Application Section	229
1.	Structure of the Application Section	229
2.	Fact-to-Fact Analogy	231
E.	Reorganization of the Facts	232
F.	Reorganization of the Conclusion	232
G.	Picturing How Sections of a Law Firm Memo Work Together	233
IV.	Editing	233
A.	Paragraphs	233
1.	Paragraph Structure	233
2.	Topic Sentences	233
3.	Transitions	234
a.	Transitional Sentences	235
b.	Word or Phrase Transitions	235
c.	Linking	237
4.	Paragraph Length	237
B.	Editing Sentences	238
1.	Sentence Length	238
2.	Sentence Structure	239
3.	Paraphrasing and Using Language Consistently	240
C.	Editing Details	241
1.	Paragraph and Sentence Format	241
2.	Word Choice	241
3.	Grammar	242
a.	Verb Tenses	242
b.	Articles	242
c.	Possessive Form	242
d.	Capitalization	243
e.	Collective Nouns	243
f.	Punctuation	243
g.	Issues of Style	246
h.	Citations	247
i.	<i>That</i> and <i>Which</i>	248
V.	Proofreading	248
	<i>Exercises</i>	249
Chapter 9	The Technological Revolution in Law	253
I.	Technology in the Courts	253
A.	Digitized Court Documents	253
B.	Digitized Courtrooms	255
	<i>Discussion Questions</i>	256

II.	Virtual Law Practice and Unbundling of Legal Services	256
A.	Virtual Law Practice	257
1.	Unbundling	258
B.	Changes to Traditional Law Firms and In-House Counsel	262
1.	Changing Use of Technology in Law Firms	263
	<i>Discussion Questions</i>	263
III.	Legal Drafting	264
A.	Document Assembly	264
B.	Analysis of Existing Documents	265
C.	Document Management Systems	265
	<i>Discussion Questions</i>	266
IV.	“Free” or Non-Fee Internet Legal Research	266
A.	Research Strategies	267
1.	Stage 1: Research	267
a.	Legal Dictionaries	268
b.	Secondary Sources	270
2.	Stage 2: Research	271
a.	Researching Statutes and Treaties	271
b.	Researching Regulations	272
c.	Researching and Updating Case Law	272
d.	Non-U.S. Legal Sources	272
e.	International Sources	273
3.	Stage 3: Updating	273
B.	Research Methodologies: Boolean Searches	274
1.	The <i>and</i> Connector	274
2.	The <i>or</i> Connector	275
3.	Problems with the Meaning of a Space between Words	275
4.	Parentheses: Using <i>and</i> and <i>or</i> in the Same Search	275
5.	Proximity Connectors	276
6.	Quotations, Pluralization, and Wild Cards	276
7.	Getting the Most from a Search	277
	<i>Exercises: Locating Authorities Using Non-Fee CALR</i>	277
	Chapter 10 Advanced Objective Writing	279
	Introduction	279
I.	Types of Scholarly Articles	280
A.	Seminar Papers and Thesis Papers	280
B.	Law Review Articles	280
II.	Subject Choice and Development	282
A.	Identifying a Particular Issue or Narrow Area	282
B.	Approaches to Articles	283
C.	Unanticipated Research Problems	285
III.	The Contents of a Scholarly Article	286
A.	Thesis Statement and Abstract	286

B. Basic Organization of a Scholarly Paper	287
C. Footnotes	288
1. String Citations	288
2. Discursive Citations	289
D. Plagiarism Warning	291
1. Reusing Your Own Work	292
2. Disclosing Adverse Sources	292
3. Using Confidential Sources	292
IV. Time Management and Research Strategies	292
A. Avoiding Procrastination	292
B. Research Strategy	293
C. Storing and Organizing Research for Larger Projects	294
D. Reorganizing Research: Pre-prewriting	295
V. The Writing Process	296
A. The Natural Writing Process	296
B. Prewriting	298
1. Notecards and Preliminary Notes	298
2. Outlining	298
a. Organizational Paradigms for Comparative Projects	299
b. Case Charts and Informal Diagrams	301
3. Free-Form Outlining	301
4. Dump Drafts	303
5. Summary of the Optimal Prewriting Process	303
C. Writing	303
1. Problematic Sections	304
2. Translation Problems with Comparative Topics	304
3. Keeping Track of Citations	304
D. Rewriting	305
1. Organization	305
2. Content and Scope	305
E. Editing	305
1. Signposts and Transitions	305
2. Paragraph and Sentence Structure	306
3. Style and Tone	306
F. Introductions and Conclusions	307
G. Polishing and Proofreading	308
H. Final Thoughts	309
<i>Exercise</i>	309
<i>Bibliography</i>	310
Chapter 11 Persuasive Writing	311
Introduction: Objective versus Persuasive Writing	311
I. Issues of Form	312
II. Descriptions of Filings	313
A. The Complaint	314