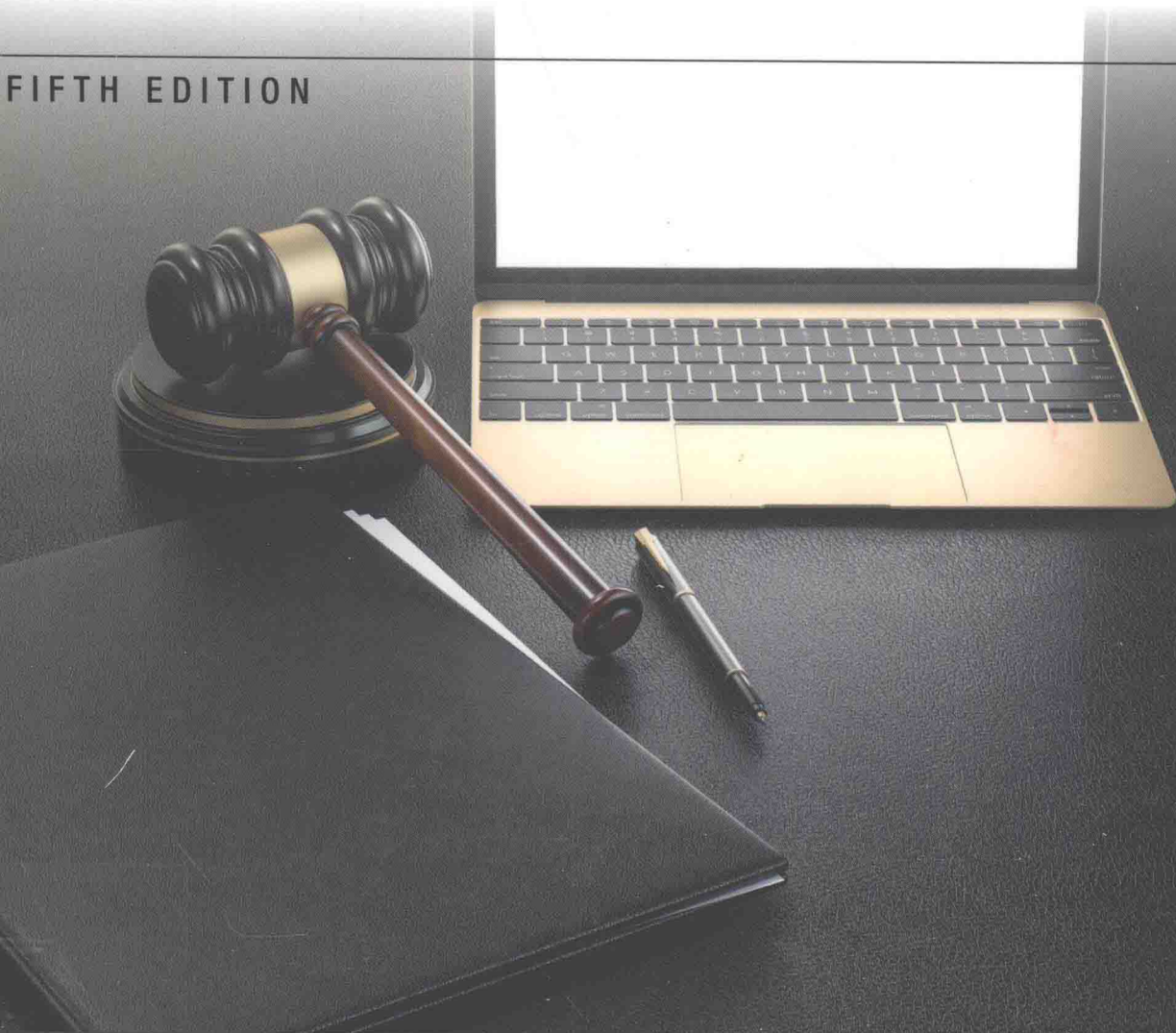


ASPEN COLLEGE SERIES

■ Hope Viner Samborn ■ Andrea B. Yelin

BASIC LEGAL WRITING FOR PARALEGALS

FIFTH EDITION



Wolters Kluwer

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BASIC LEGAL WRITING FOR PARALEGALS

HOPE VINER SAMBORN

ANDREA B. YELIN



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FOR EVE, SARAH, BENJAMIN, AND
RANDY WITH ALL OF MY LOVE
—HVS

FOR DAVID, RACHEL, AND HENRY — WHO
BRING SO MUCH JOY!
AND IN MEMORY OF MY DAD, SEYMOUR BANCHIK,
WHO WAS ONE IN A BILLION
—ANDREA B. YELIN

LIST OF ILLUSTRATIONS

ILLUSTRATIONS

1-1	U.S. and State Government Systems	3
1-2	The Government of the United States	6
1-3	Federal Judicial System	8
2-1	Example of Ranking Authorities	20
2-2	Authorities and Finding Tools	24
6-1	Sample Case, <i>Seymour v. Armstrong</i>	71
6-2	Sample Case, <i>King v. Miller</i>	73
6-3	Sample Case Brief, <i>King v. Miller</i>	76
6-4	Case Briefing Process	88
6-5	<i>Molitor v. Chicago Title & Trust Co.</i>	89
6-6	Case Brief for <i>Molitor v. Chicago Title & Trust Co.</i>	93
6-7	<i>Heuvelman v. Triplett Elec. Instrument Co.</i>	94
6-8	Case Brief for <i>Heuvelman v. Triplett Elec. Instrument Co.</i>	96
6-9	<i>Morganroth v. Whitall</i>	98
6-10	Brief of <i>Morganroth v. Whitall</i>	104
7-1	Sample Memorandum	115
7-2	Sample Memorandum: <i>McMillan Battery Action</i>	117
7-3	Sample Memorandum Heading	119
7-4	Question Presented	119
7-5	Brief Answer	120
7-6	Conclusion	120
7-7	Facts Statement	121
8-1	Question Presented	128
8-2	Question Presented and Brief Answer	129
8-3	Brief Answer	130
8-4	Questions Presented and Conclusion	132

9-1	Chronological Organization	144
9-2	Reverse Chronological Order	144
9-3	Organization by Claim or Defense	145
9-4	Organization by Party	146
9-5	Chronological and Claim Organization	147
9-6	Chronological and Party Organization	148
9-7	Excerpt from a Client Interview	149
9-8	Sample Preliminary Facts Statement Based on the Client Interview	150
9-9	List of Legally Significant Facts	151
9-10	Sample Facts Statement for Slip-and-Fall Case	152
12-1	List of Authorities	201
12-2	Outline of Battery Discussion	201
12-3	Memorandum: McMillan Battery Action	202
12-4	Thesis Paragraph	205
12-5	Multi-Issue Memorandum: McMillan Battery Action	209
12-6	Multi-Issue Outline	214
12-7	Writing from an Outline	218
12-8	Sample Memorandum Slip and Fall Case	219
13-1	Sample Complaint	241
13-2	Sample Answer	245
13-3	Sample Motion to Dismiss	247
13-4	Memorandum in Support of a Motion to Dismiss	250
13-5	Sample Appellate Brief	257
13-6	Sample of Persuasive Writing, Letter Format	264
14-1	Summary of a Phone Conversation	270
14-2	Summary of Witness Interview	270
14-3	Meeting Summary	272
14-4	Example of a Status Memo for the File	274
14-5	Example of a Deposition Summary	277
14-6	Example of a Deposition Abstract	279
14-7	Transaction Summary	282
15-1	Full Block Letter	293
15-2	Letter Confirming Deposition	297
15-3	Letter Concerning Deposition Schedule	299
15-4	Letter Enclosing Deposition Transcript	300
15-5	Status Report Letter	301
15-6	Request for Information	302
15-7	Request to Produce Documents	303
15-8	Letter Accompanying Document	304
15-9	Letter Accompanying Check	306
15-10	Demand Letter	308

PREFACE

The Role of the Paralegal in Legal Writing

Legal writing is one of the tasks paralegals must learn to perform efficiently and cost effectively for law firms and their clients. But to do so, paralegals must understand the legal system, research materials, and legal writing techniques. Objective memos often must be drafted by paralegals to inform an attorney of the relevant law, both for and against a client's position, so that the attorney can best handle the matter. Paralegals also brief cases to expedite the research process, as well as write documents such as motions, briefs, complaints, and answers in litigation matters. Delegating the task of writing an objective memo to a paralegal is cost effective for an attorney and often saves a client money.

The Purpose and Structure of This Text

Basic Legal Writing for Paralegals guides the student and the practicing paralegal through the writing process in a step-by-step manner using the objective memo as a teaching tool. The text also introduces persuasive writing and instruments and documents drafted by legal assistants. In addition, the book contains information about grammar, editing, and writing processes as well as how to properly organize each portion of a document. The book is a valuable reference manual for any legal assistant who has to craft a document especially an objective memo.

Objective writing is explored in great detail. To master the art of objective writing, a paralegal must develop the ability to articulate legal concepts clearly, and to draft documents in a manner reflecting legal analysis. Learning to perform legal analysis and to organize a legal

discussion is the basis of objective writing. Much time must be spent to refine and to master these skills. Only after a foundation has been built on objective writing skills can other forms of legal writing be learned.

The book begins with an overview of the legal system and then discusses case briefing. Understanding how our legal system operates and knowing how to read, brief, and analyze legal opinions are prerequisites to effective legal writing. You are provided with information about grammar and effective writing and editing techniques. Then, you are guided through the concept of the objective memo and its purpose. The next chapter discusses the question presented and the conclusion or brief answer. The facts and drafting the statement of the facts are explored in a separate chapter where you will learn to identify legally significant facts. The IRAC method is then introduced. IRAC, an acronym for Issue, Rule, Application, and Conclusion, is the format for the discussion portion of the memo. Building on the skills that you have acquired, you are then introduced to the task of synthesizing cases and authorities. Synthesis requires you to distill the general legal concept and then to create a statement of the law using more than one case or statute. These chapters are very detailed because you are also being taught legal reasoning and legal analysis. After you master these skills, other forms of legal writing are easier to master. The rest of the text discusses writing documents, persuasive writing, and letter writing, as well as citation.

Basic Legal Writing for Paralegals is designed to be both a handbook and a textbook, and therefore helps you develop your writing skills now and in the future. You will learn to convey the results of your research in written documents. You also will be shown how to articulate legal concepts, to convey information, to answer a question, or to craft a persuasive argument. These skills require attention to detail, keen analysis, and precision with language. Legal writing skills are developed through practice; often the best writing is done in revision.

You should view this book as a launching point in developing your legal writing skills. Refer to the guidelines and concepts in this book throughout your career as you hone your writing skills.

Hope Viner Samborn
Andrea B. Yelin

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SUMMARY OF CONTENTS

<i>Contents</i>	xi
<i>List of Illustrations</i>	xxiii
<i>Preface</i>	xxv
<i>Acknowledgments</i>	xxvii

CHAPTERS

1	Introduction to Legal Research	1
2	Legal Authorities and How to Use Them	17
3	Getting Ready to Write	35
4	Clear Writing and Editing	45
5	Writing Basics	57
6	Case Briefing and Analysis	69
7	The Legal Memorandum	113
8	Questions Presented and Conclusions or Brief Answers	125
9	Facts	139
10	The IRAC Method	161
11	Synthesizing Cases and Authorities	179
12	Outlining and Organizing a Memorandum	199
13	Persuasive Writing	233

14	In-House and Objective Client Documents	267
15	Letter Writing	291
 <i>Appendix A</i> <i>Citation</i>		317
<i>Appendix B</i> <i>Writing Strategies</i>		333
<i>Index</i>		335

CONTENTS

<i>List of Illustrations</i>	xxiii
<i>Preface</i>	xxv
<i>Acknowledgments</i>	xxvii
CHAPTER 1 INTRODUCTION TO LEGAL RESEARCH	1
<i>CHAPTER OVERVIEW</i>	1
A. INTRODUCTION TO LEGAL RESEARCH AND WRITING	2
1. The Role of the Paralegal in Legal Research and Writing	2
Why Do Paralegals Perform Research?	2
What Tasks Do Paralegals Handle in the Research and Writing Process?	2
B. INTRODUCTION TO THE U.S. LEGAL SYSTEM	3
1. The Organization of the Legal System	3
How Did the Federal and State Systems Originate?	4
2. Components of the Federal System and Governing Law	4
a. The Legislative Branch	4
How Is a Law Created?	5
b. The Executive Branch	5
c. The Judicial Branch	7
Who Can Bring an Action in Federal Court?	8
i. <i>The Trial Courts</i>	9
ii. <i>The Appellate Courts</i>	9
iii. <i>The Supreme Court</i>	10
	xi

3. Relationship Between Federal and State Governments	10
Can a Federal Court Decide an Issue of State Law?	10
What Effect Does a Federal Decision Have on State Law?	11
Are Federal and State Agencies Part of One Governing Body?	11
4. Organization of State Governments	11
What Are the Duties of the State Courts?	12
Can State Courts Decide Issues of Federal Law?	13
 <i>Chapter Summary</i>	13
<i>Key Terms</i>	13
<i>Exercises</i>	14
 CHAPTER 2 LEGAL AUTHORITIES AND HOW TO USE THEM	17
 <i>CHAPTER OVERVIEW</i>	17
A. DETERMINATION OF GOVERNING LAW	18
1. Jurisdiction	18
What Factors Determine Which Jurisdiction Governs Your Case?	18
2. Precedent	18
3. Hierarchy of Authorities	19
a. Currency	19
b. Levels of Court	20
c. Conflicting Decisions between Circuits	21
d. State and Federal Decisions Concerning an Issue	22
e. Conflicts in Federal and State Authority	22
f. State Court Decisions	23
4. Dicta	23
5. Concurring and Dissenting Opinions	23
 B. TYPES OF LEGAL RESOURCES	24
1. Primary Authority	24
How Do You Determine Whether a Case Is Mandatory or Binding?	24
2. Secondary Authority	26
3. Finding Tools	26
4. Hybrid Sources of Authority	27
5. Nonlegal Sources	27
 C. USE OF AUTHORITIES OR SOURCES IN YOUR LEGAL WRITING	27
1. Essential Sources to Cite	27
2. Valuable Sources to Cite	28
3. Sources Never to Cite	28