

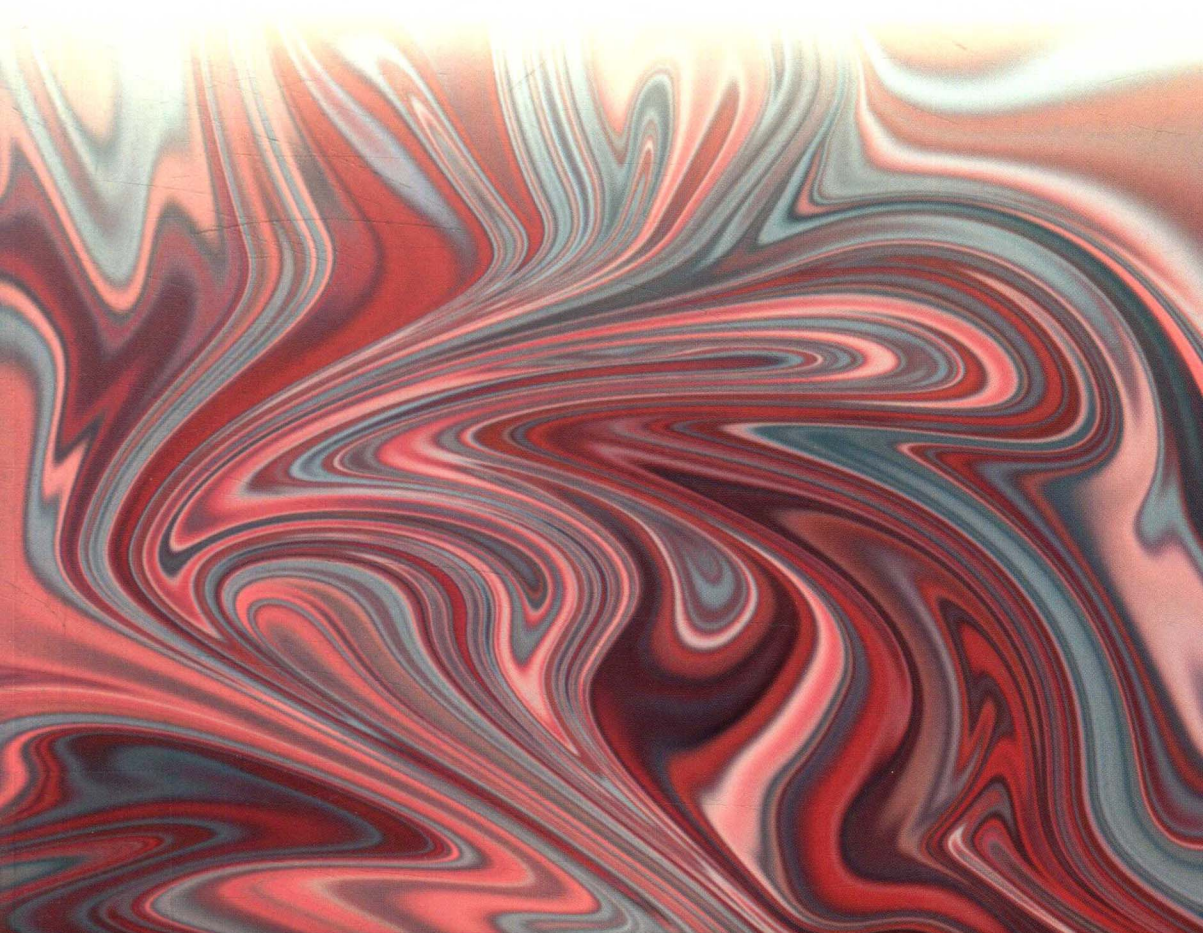
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D. Schmedemann • C. Kunz

Synthesis

Legal Reading, Reasoning, and Communication

FIFTH EDITION



Wolters Kluwer

SYNTHESIS

Legal Reading, Reasoning, and Communication

FIFTH EDITION

Deborah A. Schmedemann

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(now Mitchell Hamline School of Law)*



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SYNTHESIS

Legal Reading, Reasoning, and Communication

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This edition is dedicated to the thousands of students we have taught in our careers, many of whom have become lawyers who have served—and continue to serve—their clients, their communities, and the law with great distinction.

PREFACE

If you are reading this book, you are engaged in some way in legal education. That means you have chosen to learn something truly significant: for yourself, for your future clients, for your community, for our system of government (especially now, it would seem). This is a good thing to do.

Yet it is not an easy thing to do. Thus, this book is aimed at helping you learn the core skills to carry out those significant roles excellently, efficiently, and ethically. Some of those skills are “in-your-head” skills: reading legal texts, many of which are complicated, and reasoning in various ways about the facts of your client’s situations. Some of those skills are “on-paper” skills: writing in various legal formats, from office memos to contracts to appellate briefs. Other skills are “people” skills: interviewing and counseling your client, negotiating with opposing counsel, arguing before a court.

All of these skills intertwine; to be good at one is to be good at the others. That is why the first word in the title of the book is “synthesis.” Another reason is that as you build excellence in these skills, you will also build efficiency and ethical practice—these standards are all intertwined as well.

This is the fifth edition of this book. Over the years, it has been “co-written” by the dozens and dozens of practicing lawyers who have taught in the skills courses at William Mitchell College of Law¹ every year, who have informed us on the content of the chapters. Our other “co-writers” are the hundreds of students who have taken those courses each year, who have provided invaluable insights into the teaching choices reflected here:

- The various chapters provide essential background for each topic, discuss the skills in general terms, provide steps to follow, and explain applicable ethical principles. Some chapters include empirical studies as well.
- Skills are best learned through concrete examples, so the chapters provide examples drawing on four client situations, each arising in an area of law commonly taught in the first year of law school, each arising in a different practice context. As the client situations repeat, you will see how the various skills intertwine.
- The chapters feature various visual elements, including opening diagrams and charts, for visually oriented learners.
- Each chapter ends in a set of questions and answers, under the label Test Your Understanding, which you may use to prime your reading and then verify what you have learned.
- The book also features an extended set of exercises through which you may practice the various skills. These exercises are set in yet another area of law, draw on two client situations, and provide step-by-step guidance

1. William Mitchell is now a part of Mitchell Hamline School of Law.

for critiquing sample drafts, planning your own projects, or indeed writing your own text.

All in all, the book is designed to move you through a spiral of activities that will not only introduce you to the skills discussed here but also help you to solidify your competence.

Finally a word for professors: If you are familiar with the fourth edition of this book, I trust you will be pleased to note the following major changes:

- This book covers three new conversations: interviewing the client, counseling the client, and negotiating with opposing counsel. All may be taught from a dispute or transactional standpoint and are supported by extensive teaching materials in the teacher's manual.
- The four example cases that now thread throughout the book arise in contracts, torts, criminal law, and constitutional law. The exercises draw on a torts law topic. (These various cases overlap with the new ninth edition of *The Process of Legal Research*, to permit tightly coordinated teaching.)
- The appellate brief chapter features real briefs written for a real case, which was decided en banc by the Third Circuit Court of Appeals.
- The chapters are supplemented by Test Your Understanding questions and answers, to assist students in focusing on and reinforcing key concepts.

As always, I welcome your questions and comments.

Deborah A. Schmedemann

Minneapolis/January 2017

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Over the years, we have had the good fortune to write and revise this book in a perfect environment—with the careful eye and constructive suggestions of thousands of readers: thousands of students at William Mitchell College of Law (now Mitchell Hamline School of Law); hundreds of adjunct writing professors; and fellow course co-coordinators Ken Kirwin, Mehmet Konar-Steenberg, Dean Rath, and Gregory Duhl. Every administration has provided whole-hearted support. Cal Bonde, Darlene Finch, and Lynette Fraction of the College's staff have provided excellent administrative and production support.

This edition includes documents written by two students when they were students at William Mitchell College of Law—Annalise Backstrom and Christopher Ziolkowski; I am grateful to them for granting permission to use their work in this text. Similarly, this edition includes for the first time two briefs written by practicing lawyers in a real case—Mary Catherine Roper and John E. Freund, III. Their generosity in granting permission to use their work for these educational purposes is truly notable and greatly appreciated.

This is the fifth edition of this text. It has been a blessing to work with such a skilled—and in some cases familiar, understanding, and trusted—team: Sarah Hains, production editor; Susan McClung, copyeditor; and Kathy Langone, developmental editor, all of The Froebe Group.

I also acknowledge the publishers who have granted permission to reproduce the following works:

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Finally, as always, I thank Craig Bower for his never-ending support.

SYNTHESIS

Legal Reading, Reasoning, and Communication

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