

ASPEN COLLEGE SERIES

■ Andrea B. Yelin ■ Hope Viner Samborn

THE LEGAL RESEARCH AND WRITING HANDBOOK

A Basic Approach for Paralegals

SIXTH EDITION



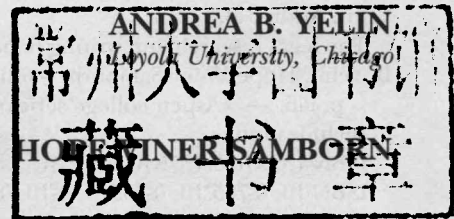
Wolters Kluwer
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A BASIC APPROACH FOR PARALEGALS



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Published by Wolters Kluwer Law & Business in New York.

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Wolters Kluwer Law & Business
Attn: Order Department
PO Box 990
Frederick, MD 21705

Printed in the United States of America.

1 2 3 4 5 6 7 8 9 0

ISBN 978-0-7355-0789-0

Library of Congress Cataloging-in-Publication Data

Yelin, Andrea B.

The legal research and writing handbook : a basic approach for paralegals / Andrea B. Yelin, Hope Viner Samborn. – 6th ed.

p. cm. — (Aspen college series)

Includes index.

ISBN-13: 978-0-7355-0789-0

ISBN-10: 0-7355-0789-9

1. Legal research—United States. 2. Legal composition. I. Samborn, Hope Viner. II. Title.

KF240.Y45 2012

340.072'073—dc23

2011041959

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TO DAVID, RACHEL, AND HENRY WITH ALL MY LOVE.
—ABY

TO MY YOUNGEST STUDENTS AND TEACHERS, EVE, SARAH,
AND BENJAMIN, AND TO MY FAVORITE TEACHER AND FRIEND,
RANDY. YOU HAVE ALL MY LOVE AND THANKS.
—HVS

PREFACE

As paralegals, you can be invaluable to attorneys and clients when you have adequately mastered legal research and writing skills. This book is a step-by-step guide that explores the twists and turns of legal research and writing, teaching you how to avoid the dead ends and conquer obstacles along the way. Examples, exercises, and checklists help make it a smooth and enjoyable road.

Part 1 features an introduction to the legal system and legal authorities: the state and federal legislatures, the courts, and administrative agencies. It explains the relationship between state and federal governments and between other governing bodies.

The research component of Part 1 begins with print resources. Proficiency in hard-copy research will bring you greater success when performing research using a computer. You will also learn how to use online resources. All significant resources will be explored, and you will learn how they are interrelated and how to find the best sources for your particular project. Legal writing pointers are integrated throughout the research chapters where relevant.

Part 2 focuses on basic legal writing, with an emphasis on legal memoranda and letters—the most common documents that paralegals draft. Objective memos inform the attorney of all of the relevant law, both for and against the client's position. Having paralegals brief cases expedites the research process. Delegating research and writing tasks to the paralegal is cost-effective for the client and saves the client money.

Part 2 also guides you step-by-step through the legal writing process. You will be introduced to the case brief, the legal memorandum, the questions presented statement, the brief answer, and the facts statement. You will learn how to identify the legal issues and relevant facts of a case and how to organize and present them in a written brief or memorandum. As the culmination of

your legal writing skills, you will learn to synthesize—to distill a general legal concept that applies to a case and then state it in writing (citing more than one case or statute). Synthesis is essential to writing most case-related documents. A clear methodology—IRAC—will introduce you to the important components of synthesis: Issue, Rule, Application, and Conclusion. Using IRAC, you will learn to synthesize effectively and consistently.

A valuable reference tool, *The Legal Research and Writing Handbook* reviews letter writing, grammar, and editing—all essential skills you will use every day as a paralegal. Also, the examples and citation appendix will help you draft documents.

The Legal Research and Writing Workbook gives you hands-on exercises that reinforce the concepts in this textbook and provide you with practical applications for future work experiences. Practice pointers and ethics alerts included in this text are designed to guide you in your day-to-day work as a paralegal. This edition provides Net Notes to help you navigate the Internet to review points raised in the text. Computer resources, both paid and free, are integrated throughout the book.

You should view *The Legal Research and Writing Handbook* as a launching point from which to begin developing your research and writing skills. You will want to refer to the guidelines and concepts in this book throughout your career as you continue to expand in knowledge and experience.

November 2011

Andrea B. Yelin

Hope Viner Samborn

ACKNOWLEDGMENTS

We would like to acknowledge all of the people who have helped us create this text and who have shaped its contents.

Thank you to Betsy Kenny for helping us to hone our continuing revisions of the text, the workbook, and the teacher's manual and for countless hours spent guiding us. Thanks to Lisa Wehrle for her great job copyediting the first and second editions of this text.

Thanks to Sylvia Rebert at Progressive Publishing Alternatives for her work on the sixth edition, to Julie Grady and Rebecca Logan for their assistance with the fifth edition, to Candice Adams for her assistance with the fourth edition, and to Peggy Rehberger, Melody Davies, Ellen Greenblatt, Curt Berkowitz, Suzanne Rapcavage, and Barbara Roth for their editing and additional help with the text. Thank you to Dave Herzig, Steve Silverstein, and Lou McGuire for their terrific marketing of the text.

Thanks to Loyola University Law School Library in Chicago, Thomson Reuters/West, Lexis/Nexis, Bureau of National Affairs, *Shepard's*, and the Arlington Heights Memorial Public Library for assistance in obtaining illustrations for this book.

Thanks also to Julia Wentz, Patricia Scott, Joe Mitzenmacher, and Fred LeBaron of Loyola University Law School for all of your assistance past and present. A special debt of gratitude goes to Fred LeBaron, once again, for his invaluable wise counsel and professional guidance. Thank you to Lauren Grodsky and Eve Samborn for your research assistance.

Thanks to our families and friends, whose continued support has helped us to revise this text.

We continue to be indebted to the people whose assistance, direction, and support led to the first edition of this text and ultimately this revised text as well as individuals who helped with our text *Basic Legal Writing for Paralegals*, a project that led to some of the revisions in this text.

To that end, we thank Jean Hellman, Director of the Loyola University of Chicago, Institute for Paralegal Studies, who encouraged us to

write our first book and who introduced us to Carolyn O'Sullivan of Little, Brown and Company, the predecessor of Aspen. We cannot thank Carolyn O'Sullivan, Betsy Kenny, Lisa Wehrle, Joan Horan, John Lyman, and Katie Byrne Butcher enough for their assistance with our books.

We also thank our students who have helped us to hone the text and the exercises. Their writing and use of the exercises helped form the skeleton for the book and then mold its contents. Their continued use of the book assisted us in revising the text. Our students have taught us more than we ever could teach them, and we appreciate all that they have done. Some of our students who deserve special thanks for their critiques, suggestions, and encouragement include Kelly Barry, Amy Berezinski, Nanette Boryc, Mara Castello, Patricia Cochran, Jessie Cohen, Nan Crotty, Beverly Dombroski, Susanne Grant, Stephen Gromala, Chris Harrigan, Marion Kahle, Michael Luckey, Mitchell McClure, Brenda Mondul, Cheryl Morgan, Patricia Naqvi, Melissa Pederson, Shay Robertson, Louise Tessitore, and Amy Widmer.

Thanks to Terri Rudd, David Harris, Marc Steer, the late Debbie Freudenheim, and Linda Kahn for your insightful ideas and assistance.

We would also like to thank the reviewers listed below. Their careful review of the first manuscript and the *Basic Legal Writing for Paralegals* manuscript produced many valuable comments and suggestions. We greatly appreciate their efforts.

| | |
|--------------------------------------|--|
| Jonathan H. Barker | Gina-Marie Reitano |
| George Washington University | St. John's University |
| Laura Barnard | Brenda L. Rice, J.D. |
| Lakeland Community College | Johnson County Community College |
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| Charles E. Coleman | Helene Kulczycki |
| New York City Technical College | Briarcliffe, The College for Business and Technology |
| Holly L. Enterline | Adelaide Lagnese |
| State Technical Institute at Memphis | University of Maryland |
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| Duquesne University | |

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