

ASPEN PUBLISHERS

FIFTH EDITION

The Legal Writing HANDBOOK

Practice Book



Laurel Currie Oates • Anne Enquist



Wolters Kluwer
Law & Business

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Preface

Practice makes perfect, or so they say. For some learners, reinforcement of a concept by using it in new contexts is exactly what they need to master the concept. For this reason, we have written *The Legal Writing Handbook, The Practice Book, Fifth Edition*.

From its title, it should be obvious that this Practice Book was designed to accompany and supplement *The Legal Writing Handbook, Fifth Edition*. The exercise numbers match the chapter numbers in *The Legal Writing Handbook, Fifth Edition*. Users of *Just Writing, Third Edition* will also find that the second half of this Practice Book, the Writing Exercises, is a supplement to that text. Although the exercise numbers do not match the chapter numbers in *Just Writing, Third Edition*, users should be able to match the exercises to the appropriate chapters by the wording in the chapter and exercise titles.

The first section of the book, the Research Exercises, does not have an accompanying set of Answers at the back of the book. In some instances, there is not a clear cut correct answer for a Research Exercise; in other instances, the Answer will change as the law changes. The next section, the Writing Exercises, does have an accompanying set of Answers at the back of the book. The Answers to each exercise are in the second column in the table of contents. Many of the Answers are annotated so that readers can better understand why a given answer is correct. Our hope is that by providing the Answers, this portion of the book becomes self-teaching.

Both the Research Exercises and the Writing Exercises have been used with hundreds of our own students over the years. We have appreciated their feedback on the exercises and have modified many based on their comments. In addition, many of the sample sentences were taken directly from our own students' writing. For their willingness to allow us to use their sample writing in this book, we especially want to thank these students.

The Authors

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Chapter 1:

Making the Transition

There are no exercises for this chapter.

Chapter 2:

The United States Legal System

There are no exercises for this chapter.

Chapter 3:

Reading and Analyzing Statutes and Cases

There are no exercises for this chapter.

Chapter 4:

Introduction to Legal Research

Exercise 4A: Primary Sources, Secondary Sources, and Finding Tools

Go into your law library and locate each of the following sources. Select a volume and page through it, identifying the types of information contained in the source. Then write down the shelf location and two or three sentences describing the types of information contained in that source.

1. Primary Sources

- a. *United States Code*
- b. *Code of Federal Regulations*
- c. *United States Reports*
- d. *Federal Reporter, Third Series*
- e. *Federal Supplement, Second Series*

2. Secondary Sources

- a. A hornbook of your choice
- b. C.J.S. or Am. Jur. 2d
- c. A.L.R. Fed.

- d. A volume of your law school's law review

3. Finding Tools

- a. *United States Code Annotated*
- b. *Federal Practice Digest 4th*

For exercises relating to citators, see the exercises for Chapter 10.

Exercise 4B: Reading Citations

Translate each of the following citations. What does each of the numbers and letters mean?

1. 18 U.S.C. § 2339B (2006).
2. *Humanitarian Law Project v. United States Dept. of Justice*, 382 F.3d 1154 (9th Cir. 2004).
3. Randolph N. Jonakait, *The Mens Rea for the Crime of Providing Material Resources to a Foreign Terrorist Organization*, 56 Baylor L. Rev. 861 (2004).

Exercise 4C: Using Citations to Find Materials in Books

Go into the law library and find each of the following sources.

1. What is the title of the statute that is at 18 U.S.C. § 2339B (2006)?
2. What is the name of the case that is at 314 F. Supp. 2d 279 (S.D.N.Y. 2004)?
3. What is the name of the law review article that is at 41 San Diego L. Rev. 839 (2004)?