

ASPEN COURSEBOOK SERIES

EXPERIENTIAL
Legal Writing

ANALYSIS, PROCESS & DOCUMENTS

Diana R. Donahoe



Wolters Kluwer
Law & Business

Aspen Coursebook Series

Experiential Legal Writing

Analysis, Process, and Documents

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*Professor of Legal Research and Writing
Georgetown Law Center*



Wolters Kluwer

Law & Business

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Published by Wolters Kluwer Law & Business in New York.

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PO Box 990
Frederick, MD 21705

Printed in the United States of America.

1 2 3 4 5 6 7 8 9 0

ISBN 978-0-7355-0963-4

Library of Congress Cataloging-in-Publication Data

Donahoe, Diana R., 1964-
Experiential legal writing : analysis, process, and documents / Diana R. Donahoe.
p. cm. — (Aspen coursebook series)
ISBN 978-0-7355-0963-4
1. Legal composition. 2. Law—United States—Language. I. Title.
KF250.D66 2011
808'.06634—dc23

2011026042



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ACKNOWLEDGMENTS

Many people contributed to this book. Special thanks to: Noelle Adgeron for her continuous support in helping to produce the manuscript; my research assistants over the last few years for their many contributions, including: Daniel Solomon, Robyn English, Life Marshall, Stephen Winslow, Jackie Bean; Hanna Hickman; faculty and librarians for their input into the content and design, including Sara Sampson, Susan Sloane, Andrea Funk and the faculty at Whittier Law School, Dave Simon, Mitch Fleischmann, Michael Cedrone, Julie Ross, Michael Golden, David Wolitz, Sonya Bonneau, and Rima Sirota; the people at Aspen, including Barbara Roth, Emily Bender, Susan Boulanger, John Chatelaine, Carol McGeehan, and Richard Mixter. Thanks also to the support of Georgetown University Law Center.

A special thanks to: my family for their support, including my husband, Keith Donahoe, and my children Allie and Peter Donahoe, who have put up with my constant work during evenings and weekends; to my parents, Robert and Norma Roberto, for their support through the years; and to my family of Law Fellows, too numerous to name, who have been an integral part of my development of innovative material to engage students in the classroom.

I would also like to acknowledge the publishers and organizations that permitted me to reprint copyrighted material in this text:

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Bluebook Front Cover

Reprinted by permission of The Harvard Law Review Association. The Bluebook A Uniform System of Citation (19th Edition, The Harvard Law Review Association 2010)

PREFACE

“One can’t become skilled simply by reading about skills.”¹

This book is designed to teach today’s law students using experiential learning pedagogy. Instead of simply reading about writing techniques and documents, students using this book become actively engaged in their learning process through problem-based simulations, interactive exercises, immediate feedback, and thoughtful reflection. Through active engagement, students retain the material, understand the relevance and importance of what they are learning, and become effective and efficient with their new skills. This unique book is a powerful tool to help students form long-term professional habits, become efficient problem-solvers, and think and behave like lawyers.

The content of this book focuses on legal analysis, the writing process, a variety of legal documents, grammar, and citation, including the 4th Edition of ALWD and the 19th Edition of the Bluebook. Annotated samples, quizzes, and self-assessments provide the students with immediate feedback and help the learning process through engaging and enriching exercises. Some of the highlights of the book include the following:

- **Legal Analysis:** discusses legal rhetorical devices in an easy-to-understand fashion by focusing on statutory interpretation, common law analysis, policy arguments, and cohesive legal arguments.
- **Writing Process:** provides useful strategies for students to become efficient and effective writers by breaking down the process into multiple steps.
- **Legal Documents:** addresses a variety of legal documents including memos, briefs, client letters, pleadings and motions, scholarly writing and write-on competition papers. For each product, the book addresses audience, purpose, scope, and view; formal (as well as informal) requirements; and multiple annotated samples.
- **Grammar and Citation:** covers citation rules in the 19th Edition of the Bluebook and the 4th Edition of ALWD as well as grammar rules with quizzes and self-assessments for the students.
- **Annotated Samples:** provides a plethora of annotated samples, within each document (such as questions presented and issue statements) as well as full documents (such as memos, briefs, client letters, and motions).
- **Quick References and Checklists:** acts as study aid material for the students to reinforce and test their understanding of the material.
- **Quizzes and Self-Assessments:** provides interactive tools and immediate feedback for students and teachers to test the students’ understanding of the materials.

1. Roy Stucky et al., *Best Practices for Legal Education*, p. 170-71 (Clinical Legal Education Association 2007).

This writing book can be used in conjunction with its research book counterpart, *Experiential Legal Research: Sources, Strategies, and Citation*. When used together, the two books provide all the required reading material in a typical modern legal research and writing course:

- Research (including Westlaw, WestlawNext, Lexis, Lexis Advance);
- Writing (memos, briefs, client letters, motions, pleadings, scholarly documents);
- Analysis (statutory interpretation, common law analysis, policy, etc.);
- Citation (ALWD 4th Edition and the Bluebook 19th Edition); and
- Grammar (included self-assessments and quizzes).

This book is designed as a standalone print book. However, it can also be used, if desired, in conjunction with its online version, *TeachingLaw.com*. The online version provides extra functionality such as (1) a courseware program that links directly with the content, (2) idea banks for professors to share information, assignments, and projects, (3) direct links to other useful web sites so students can research while they learn about sources, (4) self-assessments that report to the professors, and (5) more interactive features for students. Professors may choose to offer the print book, the online version, or both for their students. Appendix B at the end of this book provides a table of contents with both page numbers and screen numbers so that students can be “on the same page” regardless of which version they choose.

A Teacher’s Manual accompanies this book. It provides both pedagogical theories and substantive techniques for teaching an experiential learning course:

- Experiential learning pedagogy techniques, including preparing research and writing assignments, designing simulations and class exercises, and crafting the syllabus for both objective and persuasive semesters.
- Specific assignments with accompanying research in multiple jurisdictions, similar to an idea bank or shared bank for professors;
- Ready-made research projects and accompanying answer keys;
- In-class exercises for experiential learning pedagogy and accompanying answer keys;
- Detailed lesson plans that highlight experiential learning pedagogy to actively engage students in and out of the classroom; and
- Techniques for providing effective and efficient professor feedback and student reflection on draft and final papers.





Reading about legal writing is not enough. Students need to be actively engaged in the process to understand the various strategies to succeed in today’s legal world. By using experiential learning pedagogy, professors can help their students attain and retain the material and skills needed so that they can become professional, effective, and efficient legal writers. When these students become practicing lawyers, they will be able to learn to write any legal document in an efficient process because they have been actively engaged in the learning process throughout their academic lives.

SUMMARY OF CONTENTS




<i>Contents</i>	ix
<i>Acknowledgments</i>	xxv
<i>Preface</i>	xxvii
Chapter 1. Legal Analysis	1
Chapter 2. The Writing Process	61
Chapter 3. Legal Documents	125
Chapter 4. Editing	347
Chapter 5. Citation	395
ALWD	399
The Bluebook	453
Appendix A: Answer Keys	513
Appendix B: Table of Contents with Page Numbers and Corresponding Screen Numbers	557

CONTENTS

<i>Acknowledgments</i>	xxv
<i>Preface</i>	xxvii
Chapter 1. Legal Analysis	1
I. Introduction.....	4
A. Collecting the Facts.....	4
B. Analyzing the Law	4
1. Identifying Legal Issues	5
2. Finding Controlling Law	5
3. Understanding the Relationship Among the Legal Branches	5
4. Applying a Variety of Techniques to Create Logical Legal Arguments	6
II. Understanding Legal Rules.....	6
A. Types of Rules	7
1. The Elements Test	7
2. The Balancing of Factors Test	7
3. The Totality Test	8
4. The Exceptions Test	8
B. Terms Within Rules	8
1. And vs. Or.....	8
2. Shall vs. May.....	9
C. Organizing Around the Rule of Law	9
III. Jurisprudence.....	10
A. Historical Legal Trends.....	10
1. Natural Law.....	10
2. Formalism or Positivism	11
3. Realism	11
4. Critical Legal Studies (CLS)	11
5. Law and Economics Theory	11
B. Classical Rhetoric: Deduction vs. Induction	12
1. Deduction and Syllogisms in the Law	12
2. Induction and Inductive Reasoning in the Law	13
IV. Statutory Interpretation	14
A. Statutory Language.....	14
1. Step 1: Finding an Applicable Statute	15
2. Step 2: Reading the Whole Statute	15
3. Step 3: Breaking Down a Specific Provision into Its Elements	15
4. Step 4: Reading Signaling Words Carefully.....	16
B. Statutory Interpretation Techniques.....	16
1. Plain Language	16
2. Definitions	18
3. Context.....	18



4. Case Law	20
5. Legislative History	20
6. Policy	22
7. Canons of Construction	22
V. Common Law Analysis	23
A. Understanding Common Law	23
1. Function and Organization of the Courts	23
a. The Federal Court System	23
b. The State Court System	27
c. The Function of the Courts	28
2. Stare Decisis	28
3. Binding vs. Persuasive Authority	28
4. Precedential Weight of Cases	30
a. Holding vs. Dicta	30
b. Majority Opinions vs. Dissents	30
c. Other Traits Affecting the Weight of Cases	31
B. Case Analysis	31
1. Case Synthesis	32
2. Case Comparisons	34
a. Analogizing Cases	35
b. Distinguishing Cases	35
c. Crafting Effective Case Comparisons	36
d. Comparing One Case	36
e. Comparing Multiple Cases	37
f. Using Multiple Cases to Set Out Legal Parameters or a Sliding Scale Argument	38
g. Typical Problems with Case Comparisons	39
VI. Policy Arguments	40
VII. Constructing Legal Analysis	41
A. The Formulas	42
1. IRAC	42
2. CRAC	42
3. CRuPAC	42
B. Unraveling the Myth of the Formulas	42
1. Issue or Conclusion	43
2. The Rule	43
3. Application	44
4. Counterarguments	44
5. Conclusion	45
C. Creativity in Legal Analysis	45
VIII. Study Aids—Legal Analysis	46
A. Quick References and Checklists	46
1. Legal Analysis Generally: Checklist 	46
2. Statutory Interpretation: Checklist 	47
3. Statutory Interpretation: Quick Reference 	49
4. Statutory Interpretation: Note-Taking Chart: Quick Reference 	50

50	5. Case Analysis: Checklist	50
52	6. Case Comparisons: Quick Reference	52
54	7. Case Comparisons: Note-Taking Chart: Quick Reference	54
55	8. Policy Arguments: Checklist	55
55	9. Jurisprudence and Classical Rhetoric: Checklist	55
56	10. Constructing Legal Analysis: Checklist	56
57	B. Quizzes	57
57	1. Legal Analysis in General: Quiz	57
59	2. Binding vs. Persuasive: Quiz	59
61	Chapter 2. The Writing Process	61
64	I. Introduction to the Writing Process	64
64	A. The Legal Reader	64
65	B. The Goals of Legal Writing	65
66	C. Creating Your Own Effective Writing Process	66
67	1. Prewriting Tips	67
68	2. Writing Tips	68
68	3. Rewriting Tips	68
68	4. Editing and Citation Tips	68
69	D. Managing Your Time	69
70	E. Overcoming Writer's Block	70
71	II. Writing	71
71	A. Writing Creatively	71
72	B. Organizing Before You Write	72
72	1. Getting Research Materials Together	72
73	2. Outlining Your Document	73
75	3. Typical Questions About Outlines	75
76	C. Plagiarism and Ethics	76
76	1. Plagiarism	76
77	2. Ethics	77
77	D. Writing Process Testimonials	77
78	III. Rewriting	78
78	A. Tips for Stepping into the Reader's Shoes	78
78	B. Content	78
79	C. Large-Scale Organization	79
79	1. Identifying Issues and Breaking Down the Law	79
81	2. Techniques to Help Guide the Legal Reader Through Your Document	81
82	a. Roadmaps	82
83	b. Topic Sentences	83
83	c. Reader-Based Outlines	83
86	d. Mini-Conclusions	86
86	D. Paragraph Organization and Legal Analysis	86
86	1. Paragraph Organization	86
87	2. The Analysis Within the Paragraph	87
87	a. Presenting the Rules	87
88	b. Rule Application	88

3.	Typical Analysis Mistakes	89
a.	The Lazy Analogy	89
b.	The Case-Study Method	90
c.	The One-Sided Approach	90
4.	Effective Use of Signals in Your Analysis	91
E.	Small-Scale Organization—Sentence Structure.....	92
1.	Use Strong Subject-Verb Combinations and Avoid Annoying Clauses	92
2.	Do Not Vary Terms of Art	93
3.	Avoid Long Quotations	93
4.	Use Parallel Structure.....	93
5.	Be Consistent in the Use of Titles.....	93
6.	Write Short, Simple Sentences	94
F.	Conciseness.....	94
1.	Relevancy	94
2.	Redundancy.....	94
3.	Word Choice Tricks	95
a.	Omit “Glue Words”	95
b.	Avoid Passive Voice If Unnecessary	95
c.	Avoid Legalese	96
d.	Avoid Unnecessary Phrases	96
e.	Create Strong Subject-Verb Combinations	96
f.	Avoid Unnecessary Commentary	97
g.	Avoid Nominalizations	97
IV.	Persuasive Writing	97
A.	Moving from Objective to Persuasive Writing	98
1.	Objective Writing	98
2.	Persuasive Writing	99
B.	Designing the Theory of the Case	99
1.	What Is the Theory of Your Case?	99
2.	How to Develop a Theory of the Case	100
3.	Checklist for an Effective Theory	100
C.	Crafting the Fact Section.....	101
D.	Drafting the Argument Section	102
1.	Ordering of Issues.....	102
2.	The Legal Rules	103
3.	Adverse Authority.....	103
4.	Do Not Sound Defensive	103
5.	Do Not Personally Attack the Other Side.....	104
6.	Do Not Overstate Your Case	104
E.	Using Effective Sentence Structure and Word Choice	105
F.	Taking Advantage of Technology.....	106
V.	Study Aids—The Writing Process	107
A.	Quick References and Checklists	107
1.	Writing in General: Checklist 	107
2.	Writing: Checklist 	108
3.	Rewriting: Checklist 	109

4. Persuasive Writing: Checklist	112
5. Persuasive Techniques: Quick Reference	114
6. Self-Evaluation Form for Memos: Checklist	114
7. Peer-Evaluation Form for Memos: Checklist	116
8. Self-Evaluation Form for Briefs: Checklist	118
9. Peer-Evaluation Form for Briefs: Checklist	120
B. Quiz	122
1. Writing and Rewriting in General: Quiz	122
Chapter 3. Legal Documents	125
I. Memorandums of Law	130
A. Purpose, Audience, Scope, and View	130
B. Formal Requirements	130
1. Heading	131
2. Question Presented	131
3. Brief Answer	133
4. Statement of Facts	134
5. Discussion	136
a. Discussion: Organization	136
b. Discussion: Legal Analysis	137
6. Conclusion	141
C. Annotated Sample Memo 1	143
D. Annotated Sample Memo 2	150
E. Annotated Sample Memo 3	156
II. Briefs	161
A. Purpose, Audience, Scope, and View	161
B. Formal Requirements	162
1. Title Page	163
2. Table of Contents, Pointheadings, and Subheadings	164
3. Table of Authorities	167
4. Jurisdiction	168
5. Standard of Review	168
6. Statement of the Issues Presented for Review	169
7. Statement of the Case (Facts)	170
8. Summary of the Argument	174
9. Argument	176
a. Argument: Content	176
b. Argument: Organization	176
c. Argument: Legal Analysis	176
10. Conclusion	182
11. Signature and Certificate of Service	182
C. Annotated Sample Brief 1	183
D. Annotated Sample Brief 2: Draft Version with Comments	196
E. Annotated Sample Brief 2: Revised Final Version	216
III. Oral Argument	232
A. What Is Oral Argument?	232
1. Audience	232
2. Purpose	232

3.	Scope	233
4.	Stance	233
B.	How Should I Prepare?	233
C.	Are There Conventions for Oral Argument?.....	233
1.	Introduction	233
2.	Facts.....	234
3.	Roadmap	234
4.	Main Argument and Types of Questions to Expect	235
a.	Softball Questions.....	235
b.	Hypothetical Questions.....	235
c.	Factual Questions	235
d.	Legal Questions.....	235
5.	Conclusion	235
D.	What Should I Do When Opposing Counsel Is Speaking?	236
E.	What Is Rebuttal?	236
IV.	Pleadings and Motions.....	237
A.	Complaints.....	237
1.	Purpose, Audience, Scope, and View	237
2.	Formal Requirements of a Complaint	238
a.	Caption	239
b.	Commencement	239
c.	Body or Charging Part	239
d.	Prayer or Demand for Judgment	240
e.	Signature and Verification	241
3.	Sample Complaint	244
B.	Answers	247
1.	Purpose, Audience, Scope, and View	247
2.	Formal Requirements of an Answer.....	247
a.	Caption and Introductory Sentence	247
b.	Admissions in Answer	248
c.	Denials in Answer.....	248
d.	Affirmative Defenses.....	249
e.	Affirmative Claims and Demands for Judgment	249
f.	Signature and Verification	249
3.	Sample Answer	251
C.	Interrogatories	253
1.	Purpose, Audience, Scope, and View	253
2.	Formal Requirements of an Interrogatory	253
a.	Preface.....	254
b.	Definitions	254
c.	Preliminary Questions	254
d.	Substantive Questions	255
e.	Concluding Questions.....	255
D.	Motions (or Pretrial Briefs).....	256
1.	Purpose, Audience, Scope, and View	256
2.	Formal Requirements of a Motion.....	257
a.	Notice of Motion or The Motion	258

b.	The Memorandum of Points and Authorities	261
c.	Certificate of Service	263
d.	Affidavit	263
e.	Order	263
3.	Annotated Sample Pretrial Brief (or Memorandum of Points and Authorities).....	265
V.	Client Letters	279
A.	Purpose, Audience, Scope, and View	279
B.	Formal Requirements	279
1.	Date and Salutation	280
2.	Opening Paragraph	280
3.	Facts Section	280
4.	Analysis Section	281
5.	Closing.....	281
C.	Annotated Sample Client Letter	282
VI.	Scholarly Writing	286
A.	Purpose, Audience, Scope, and View	286
B.	Seminar Papers and Law Review Notes.....	286
1.	Selecting a Topic.....	287
2.	Performing a Preemption Check.....	287
3.	Researching the Issue	288
4.	Writing and Rewriting a Scholarly Piece	288
5.	Cite-Checking	289
6.	Getting Published.....	289
a.	Find Appropriate Law Journals.....	289
b.	Consider Timing	290
c.	Write a Cover Letter	290
C.	Law Review Write-On Competition Papers.....	290
1.	Should I Participate?	290
2.	What Is a Case Note?.....	291
3.	Writing a Case Note	291
a.	Research	291
b.	Take a Stance	292
c.	Write a First Draft.....	292
d.	Rewrite	292
e.	Polish.....	292
4.	Citation.....	292
a.	Provide Citations for Scholarly Writing	292
b.	Use the Inside Front Cover of the Bluebook	293
c.	Cite to All Authority in Footnotes or Endnotes	293
d.	Use Basic Citation as Well as Complicated Citation	293
VII.	Study Aids—Legal Documents.....	294
A.	Quick References and Checklists	294
Memos	294	
1.	Memo Format: Quick Reference 	294
2.	Memos Generally: Checklist 	295