

Table of Contents

Acknowledgments	xix
Introduction	1
Part I. Academic Legal Discourse: Foundations for Writing in a U.S. Law School	5
Introduction to Part I	7
Chapter 1. Introduction to Academic Legal Discourse	9
A. What is Academic Discourse?	9
B. The Role of Culture in Organizing Discourse	10
1. Write with Your Reader in Mind	12
2. Start with Your Main Idea	13
3. Support Your Ideas with Evidence	14
4. Begin with an Introduction and End with a Conclusion	16
a. The Introduction in a Longer Piece of Academic Legal Discourse	16
b. The Conclusion in a Longer Piece of Academic Legal Discourse	18
5. State Every Step of Your Thinking	19
C. Example of Academic Legal Discourse in a Law Review Article	23
D. The Process of Writing	60
Chapter 2. Paragraphs	63
A. Topic Sentences	63
B. Support	69

1. Examples	70
2. Descriptions	70
3. Explanations	71
4. Definitions	73
5. Statistics	73
6. References to Authority	74
7. A Note on Research, Attribution, and Citation	79
8. A Note on Paraphrasing Versus Quoting	79
C. Unity	81
D. Cohesion	86
E. Paragraph Length	92
Chapter 3. Sentences	99
A. Use Word Order That Readers Expect and Find Easy to Understand	99
1. The Problem with Nominalizations	100
2. The Problem with Passive Voice	102
B. Use Correct Word Forms so That Readers Are Not Confused	105
C. Use Correct Sentence Structures to Make Your Meaning Clear	108
1. Simple Sentence	109
2. Compound Sentence	109
3. Complex Sentence	110
4. Compound-Complex Sentence	112
D. Vary Sentence Length and Type to Enhance the Rhythm and Flow of Your Writing	115

Chapter 4. Transitions	119
A. Transitions within a Paragraph	120
1. Transition Words	121
2. Substantive Transitions	125
a. An Example	126
b. The Structure of Substantive Transitions	127
B. Transitions Between Paragraphs	134
1. Transition Words	134
2. Substantive Transitions	136
a. Using Key Words in Substantive Transitions	140
b. Reminding the Reader of the Topic Under Discussion	140
c. Incorporating Transitions into Topic Sentences	141
C. Transitions between Sections	142
1. Section Headings	142
a. Headings Generally	142
b. Headings and Topic Sentences	144
c. Heading Format	146
d. Heading as Sentences	146
e. A Caveat	146
2. Section Introductions	147
3. Substantive Transitions	149
a. Backward-looking Transitions	149
b. Forward-looking Transitions	150
Chapter 5. Editing and Proofreading	155
A. Editing	156

1. Editing Checklist	157
2. Using the Editing Checklist	158
B. Proofreading	159
1. Proofreading for Grammar	159
a. Grammar Proofreading Checklist	160
b. Using and Adapting the Grammar Proofreading Checklist	166
2. Proofreading for Punctuation	168
3. Proofreading for Spelling	173
4. Proofreading for Formatting	175
a. Formatting Checklist	175
b. The Importance of Consistency	177
C. Editing and Proofreading During Timed Exams	178
Part II. Academic Legal Analysis: Reading, Discussing, and Writing about Legal Cases	181
Introduction to Part II	183
Chapter 1. Foundations of U.S. Law	187
A. Basic Principles of Common Law	187
1. What is Common Law?	187
2. How is Common Law Created?	188
B. The U.S. Court System	189
1. Hierarchy of Courts	189
2. Federal and State Courts	191
a. Federal Courts	191
b. State Courts	193
C. The Jury System	194

1. General Overview	194
2. The Role of Judge and Jury at Trial	195
3. Who Serves on a Jury?	196
Chapter 2. Reading Cases	199
A. Elements of a Case	200
1. Sample Case	200
2. Key Elements of an Opinion	204
a. Case Heading	204
b. Name of the Judge	207
c. Facts	207
d. Procedural History	209
e. Issue	210
f. Holding	212
g. Reasoning	214
h. Disposition	216
B. Case Reading Strategies	217
1. Linear Reading Strategies	217
2. Problematizing Reading Strategies	220
3. Evaluative Reading Strategy	222
Chapter 3. Discussing Cases	227
A. Critiquing the Parties' Claims	228
B. Commenting on the Court's Holding	228
C. Evaluating the Reasons Advanced by the Court	229
D. Applying the Holding or Reasoning of a Case to a Hypothetical	229

E. Comparing the Case to Other Cases You Have Read	230
F. Speculating about the Implications of a Case	231
Chapter 4. Writing about Cases	233
A. Writing Case Briefs	233
1. Suggestions for Effective Case Briefing	235
a. Formulate the “Rule of the Case”	236
b. Be Aware of Obiter Dictum	237
c. The Facts: Include Only the Legally Relevant Facts	237
d. The Issue: Name the Applicable Rule (or Procedure) AND Include Important Facts	238
e. The Holding: Name the Applicable Rule (or Procedure) AND Include Important Facts	239
f. The Reasoning: Be Thorough and Provide All of the Reasons Supplied by the Court	240
2. Benefits of Case Briefing	240
a. Case Briefs Help with Class Participation	241
b. Case Briefs Facilitate Exam Preparation	241
c. Case Briefs Promote Language Development: Paraphrasing	242
B. Writing Course Outlines	248
1. What Does a Course Outline Look Like?	248
a. Student #1’s Outline	248
b. Student #2’s Outline	249
2. Suggestions for Effective Outlining	251
a. Identify the Major Topics and Subtopics in the Legal Subject	251

b. Organize Your Outline According to Topics, not Case Names	252
c. Organize Information in Visually Appealing Ways	252
d. Start Your Outline about One Month into the Semester, but No Later than One Month Before the Exam	256
e. Create a Long and a Short Outline	256
f. Use Other Outlines to Supplement Your Work, Not to Replace It	256
g. Use Your Outline to Take Past Exams	257
C. Writing Law School Exams	258
1. The "Issue Spotter" Essay Exam	258
a. Torts Essay Question	259
b. Two Sample Answers	261
c. A Framework for Answering Issue Spotter Exam Questions: "IRAC"	263
d. Hedging	269
e. The Direct Answer	269
f. Multiple Issue Spotters	270
g. Red Herrings	270
h. Mistakes to Avoid in Issue Spotter Essay Writing	270
2. Other Exam Questions	278
a. Choice of Law Essay Questions	278
b. Policy Essay Questions	280
c. Short Answer Questions	281
d. Multiple Choice Questions	282

Chapter 5. Torts	285
A. Torts Case #1	286
B. Torts Case #2	293
C. Torts Case #3	298
D. Torts Vocabulary Exercises (Lists 1-3)	307
E. Torts Essay Question #1	309
F. Torts Case #4	309
G. Torts Essay Question #2	323
H. Torts Case #5	324
I. Torts Vocabulary Exercises (Lists 4-5)	332
J. Torts Case #6	333
K. Torts Essay Question #3	337
L. Torts Case #7	338
M. Torts Case #8	347
N. Torts Case #9	352
O. Torts Case #10	359
P. Torts Essay Question #4	366
Q. Torts Vocabulary Exercises (Lists 6-9)	368
R. Additional Essay Questions	369
Chapter 6. Criminal Procedure	377
A. Criminal Procedure Case #1	378
B. Criminal Procedure Case #2	395
C. Criminal Procedure Essay Question #1	403
D. Criminal Procedure Case #3	404
E. Criminal Procedure Case #4	412

F. Criminal Procedure Vocabulary Exercises (Lists 1-4)	434
G. Criminal Procedure Essay Question #2	436
H. Criminal Procedure Case #5	437
I. Criminal Procedure Case #6	452
J. Criminal Procedure Essay Question #3	462
K. Criminal Procedure Case #7	463
L. Criminal Procedure Case #8	470
M. Criminal Procedure Essay Question #4	476
N. Criminal Procedure Vocabulary Exercises (Lists 1-8)	477
O. Additional Essay Questions	480
Conclusion. Tips for International Students Studying Law in the United States	487
A. Attending Classes	489
1. Absences	489
2. Latenesses	492
B. Submitting Assignments	493
C. Relationships with Professors	494
D. Relationships with Classmates	496
E. Managing Your Workload	499
Appendix A. List of Torts Vocabulary Terms	501
Appendix B. List of Criminal Procedure Vocabulary Terms	505
Appendix C. Steps in the Civil Litigation Process	507
Appendix D. Steps in the Criminal Justice Process	511
Index	513