

# Chapter Four and Five



**LEGAL RESEARCH AND LEGAL WRITING**

# Legal Research (63-71)



- Read the case file at the beginning of the chapter (pg. 63) Then read the assigned pages 63-71. If you were the person charged with conducting this legal research how would you go about finding information. Give a step by step and detailed analysis of the process including explanations as to why order is important. Be sure to include proper vocabulary when writing your answer – you may use bullet points to order the process but be sure to describe the process completely.
- While reading the case file reference application 4.1 and 4.2 Explain why the relevant, explanatory and unnecessary facts are classified as such. Why can some facts be considered unnecessary?
- How can secondary sources in legal research help a researcher identify more information beyond what is simply contained within the secondary source?
- **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

# How To Read Case Law (71-76)



- Read the above listed pages, you may skip the section on where to find case law
  - On Pages 74 and 75 be sure to review the sections of the provided case and the explanations on page 76
- Read the case provided on page 77 / 78. In your book bracket and identify the sections of the summary as indicated on page 76.
  - Complete the Case Analysis Questions at the end of this case.
- Go to [www.findlaw.com](http://www.findlaw.com) what is this site? Why is it important?
  - Look through the sections where it says “learn about the law” find out what your rights are if you have a neighbor that is a nuisance. What are your rights?
- **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

# Statutory Law (78-80)



- **What are Statutes**
  - Discuss the difference between a statute and case law. What is the point of both of these types of law and what role do they play in the legal system?
    - ✦ Because some statutes can be extremely old how are they kept up to date?
    - ✦ Are Statutes primary or secondary sources?
- **Reference application 4.4**
  - Based on the single statute being referenced if the person being accused committed said assault on an Off duty officer would this person be guilty of the same Class E felony? Why or why not?
- **Complete Application and Analysis Question 1 on page 81**

# Chapter 4 Application and Analysis

Pg. 81-82



- Answer Questions 2/3 (The Welch Case is the Case on the first page of the chapter)

# Chapter 4 Assignments and Projects Pg. 82



- **Complete Question 2**
- **While completing question 2 choose a case that you would like to create a written summary on. We will work on your summary in class tomorrow as your written assignment for this chapter.**

# Chapter 5



**USING THE LAW / ANALYSIS AND LEGAL  
WRITING**

# Case File (pg.83)



- Read the case file on page 83 and read the summary of *Good News Club v. Milford Central School*. Based on your reading compile a short opinion regarding the issue facing Holmes Middle School. Write a short 1 to 2 page paper indicating how should the school address this concern?
- In Class – Read *Engel v Vitale* How does this case influence the issue the issue presented for Holmes Middle School? Why or why not? Explain.

# Approaching Legal Writing (84-90)



- Take note of the overview steps on legal writing. Copy these steps into your notes.
- What information should always be contained within the thesis paragraph when writing a legal analysis?
- **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

# Summarized Steps to Legal Writing



- Determine your goals of research
- Determine your audience
- Determine the legal issues you will be researching /  
What question will you be answering?
- List the most important points to get across to the reader
- What Legal Authority (research / cases / evidence) do you have to support your points
- Ensure citations are done properly (Chicago)

# Writing for Law



- **Introductory Paragraph / Thesis Paragraph / Thesis Statement**
  - In your introductory paragraph you must:
    - ✦ State the legal issue at hand (the legal question)
    - ✦ Explain the rules (cases / precedent) that influences the issue
    - ✦ State your conclusion (answer to the legal issue) based on the evidence (this is your thesis statement)
- **Body**
  - Each paragraph should cover one of the important points you are getting across to the reader
  - Each paragraph should begin with a clear topic sentence.
    - ✦ Topic sentences should be clear, concise and should indicate the point you will be proving the rest of the paragraph.

# Sentence Structure



- **K.I.S.S.**
  - KEEP IT SIMPLE STUPID!
    - ✦ Keep your sentences short and to the point (25 words or less / less than three lines)
- **Use Active Voice**
  - Active Voice – The subject verbs on the object
    - ✦ Susan Drove the Car
  - Do not Use! Passive Voice – The object is verbed on by the subject
    - ✦ The Car was Driven by Susan.
- **Forget English Class!**
  - Get to the point – do not use unnecessary description or literary tools such as alliteration, consonance etc.
  - Do not use a question? Or an exclamation! EVER!
    - ✦ Ambiguity is the death of legal writing – you are stating a point, you are sure of it. There is NO QUESTION
- **Quotations**
  - Use quotations to emphasize a point but be sure not to over utilize them. They can become distracting. Paraphrasing may be more appropriate but remember that they must both be cited properly.
    - ✦ Most Quotations will be less than 2 lines. If they are longer than 2 lines re-read your quotation to ensure you need all of it

# Using Quotations



- **Sometimes you don't need an entire sentence for a quotation.**
  - If only part of a sentence is applicable to your point you can shorten it using “...”
    - ✦ Example: The Sixth Amendment provides, “In all criminal prosecutions the accused shall enjoy the right ... to have the Assistance of Counsel for his defense.”
      - Here the “...” is an indication that the sixth amendment contains more information but it is not necessary for the point that is being made.
      - You can also use the “...” at the end of a sentence
- **Sometimes you need to add a word to a quote or edit a quote to fit the surrounding information**
  - Use Brackets [ ] to denote an edit to a direct quote
    - ✦ Use sparingly and NEVER to alter the meaning of a quote – only to fit the surrounding sentence structure and flow.
      - “Brenda, David, Mike and Samantha went to the store to buy some cookies.”
        - One of the most important aspects of David's Character is his love or cookies at one point in the novel the author writes that “[he] went to the store to buy some cookies.”

# Court Case – Gideon v Wainwright (92-94 / 101-102)



- **Read Gideon v Wainwright (92-94)**
  - Answer Both Case Analysis Questions
  - Read about Case Briefs on Pages 91-96 and utilize Application 5.5
    - ✦ Chose any of the previous Cases (except Gideon) that we've read from our textbook and write a short Case Brief – ensure that you are following the proper format for case briefs as the example provides on page 95.
- Read 101 – 102 and Application 5.8 and 5.9
- **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

# Application and Analysis Pg. 103



- **Answer Application and Analysis Questions on Page 103**
  - Information *Minnesota v Dickerson* can be found in application 5.8
- **In Class: Complete Assignments and Projects**

Question 1 utilize Appendix VII for the case summary and utilize the example case brief on page 95 to guide your answer.