

TABLE OF CONTENTS

ACKNOWLEDGMENTS	III
Introduction. Why This Book Matters.....	1
Chapter 1. The Art of Legal Writing in the United States.....	5
A. An Overview of the U.S. Legal and Legal Education Systems	7
B. Some Basic Tools of the Legal Writing Trade	9
1. CREAC, IRAC, TREAT, and All Their Variations	9
a. Conclusion or Issue.....	10
b. Rule.....	11
c. Analysis	12
d. Conclusion	13
2. PASS.....	16
a. Purpose.....	16
b. Audience	16
c. Scope.....	17
d. Stance	17
3. The Three C's.....	19
a. Clear	20
b. Concise.....	20
c. Correct	21
C. Bringing It All Together	22
Your Assignment: Writing Tools	22
D. Drafting, Rewriting, and Time Management	23
Your Assignment: Editing for Effectiveness.....	26
Chapter 2. Reading Cases.....	31
A. Reading Blackie the Talking Cat: Appearances Can Be Deceiving	32
Your Assignment: Objective Analysis	49
B. Reading Administrative Law Cases.....	50
Introduction to the Exercise	56
Your Assignment: Some Exercises in Caution	59
Recommended Reading	62
Chapter 3. Communicating with Courts and Opposing Counsel	63
A. Communicating with Courts	63
1. The Complaint	64
Your Assignment: Review Case Citation Basics	65
Your Assignment: Rules of Procedure.....	68
Your Assignment: Efficiently Stating Facts	71
2. The Defendants' Response to the Complaint.....	73
Your Assignment: Revising and Polishing.....	75
3. PETA's Response to Sea World's Motion to Dismiss.....	77

4.	Sea World's Reply to PETA's Opposition to Sea World's Motion to Dismiss the Complaint.....	79
	Your Assignment: Types of Reasoning.....	82
B.	Communicating with Opposing Counsel Beyond Court Documents	82
	Writing Rules of Thumb	85
	Your Assignment: Demand Letters.....	89
Chapter 4. Drafting Specific Documents (Client Letters and Memoranda to the File)..... 93		
A.	Professional Responsibilities	93
B.	Client Letters.....	95
	Your Assignment: Advice Letters.....	96
	Your Assignment: Confirming Letters.....	96
C.	Memoranda to Files	97
D.	Parts of the Office Memorandum	101
1.	Heading	101
2.	Issue(s)	102
3.	Facts	103
	Your Assignment: Heading, Issue, and Facts.....	104
4.	Discussion	108
5.	Conclusion	116
	Your Assignment: Researching the Law and Writing the Discussion	116
E.	Alternative Dispute Resolution	119
F.	Contract Drafting	120
Chapter 5. After the Court Decides: Appellate Practice..... 123		
A.	Appellate Briefs	128
	Your Assignment: Persuasive Writing.....	139
	Your Assignment: The Appellate Brief.....	143
B.	Oral Arguments	146
	Your Assignment: Request for Oral Argument	146
Chapter 6. Professional Responsibility in Legal Research and Writing..... 147		
A.	Obligations to Clients and Courts	147
B.	Consequences for Breaches of Professional Responsibilities.....	148
C.	The Responsibility to Research	151
	Your Assignment: Professional Responsibilities	154
D.	A Final Note to Students	156
Appendix A. Office Memorandum 157		
Appendix B. Memorandum of Law 163		
Appendix C. Appellate Brief 171		
INDEX..... 197		