# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>V</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>VII</td>
</tr>
<tr>
<td>Chapter 1. Introduction to the Legal System and Legal Writing</td>
<td>1</td>
</tr>
<tr>
<td>I. The Primary Sources of Law</td>
<td>1</td>
</tr>
<tr>
<td>II. Structure of the Court System in the United States</td>
<td>2</td>
</tr>
<tr>
<td>A. The Vertical Structure of Our Court System</td>
<td>2</td>
</tr>
<tr>
<td>1. Courts of Inferior Jurisdiction</td>
<td>3</td>
</tr>
<tr>
<td>2. Trial Courts</td>
<td>3</td>
</tr>
<tr>
<td>3. Appellate Courts</td>
<td>4</td>
</tr>
<tr>
<td>III. Overview of a Civil Case</td>
<td>6</td>
</tr>
<tr>
<td>A. Pleadings: Complaint and Answer</td>
<td>7</td>
</tr>
<tr>
<td>B. Motion Practice and Discovery</td>
<td>8</td>
</tr>
<tr>
<td>1. Motions to Dismiss</td>
<td>8</td>
</tr>
<tr>
<td>2. Discovery</td>
<td>8</td>
</tr>
<tr>
<td>3. Summary Judgment Motions</td>
<td>8</td>
</tr>
<tr>
<td>C. The Trial</td>
<td>9</td>
</tr>
<tr>
<td>D. The Appeal</td>
<td>9</td>
</tr>
<tr>
<td>IV. The Development of the Law Through the Common Law Process</td>
<td>10</td>
</tr>
<tr>
<td>A. Precedent and Stare Decisis</td>
<td>10</td>
</tr>
<tr>
<td>B. Binding and Persuasive Authority</td>
<td>10</td>
</tr>
<tr>
<td>1. State Courts</td>
<td>11</td>
</tr>
<tr>
<td>2. Federal Courts</td>
<td>11</td>
</tr>
<tr>
<td>3. The Binding Nature of a Statute</td>
<td>12</td>
</tr>
<tr>
<td>4. Holding and Dicta</td>
<td>12</td>
</tr>
<tr>
<td>a. The Holding of a Case Generally</td>
<td>12</td>
</tr>
<tr>
<td>b. The Importance of Facts</td>
<td>13</td>
</tr>
<tr>
<td>c. Formulating the Holding</td>
<td>14</td>
</tr>
<tr>
<td>d. Dicta</td>
<td>15</td>
</tr>
<tr>
<td>5. Writing About Legal Authority</td>
<td>17</td>
</tr>
<tr>
<td>a. Weight of Authority</td>
<td>17</td>
</tr>
<tr>
<td>b. Evaluating Case Law</td>
<td>18</td>
</tr>
<tr>
<td>C. Stare Decisis and Overruling Decisions</td>
<td>20</td>
</tr>
<tr>
<td>Exercise 1-A</td>
<td>20</td>
</tr>
<tr>
<td>Exercise 1-B</td>
<td>21</td>
</tr>
<tr>
<td>V. Statutes and the Relationship Between Case Law and Statutes</td>
<td>22</td>
</tr>
<tr>
<td>A. Statutory Enactments</td>
<td>22</td>
</tr>
<tr>
<td>B. Statutory Interpretation</td>
<td>23</td>
</tr>
<tr>
<td>Exercise 1-C</td>
<td>24</td>
</tr>
</tbody>
</table>
### TABLE OF CONTENTS

VI. Citation ................................................................. 24  
   A. Citations to Provide Authority and Bibliography ........... 24  
      Exercise 1-D ......................................................... 26  
      Exercise 1-E ......................................................... 27  
   B. Citations to Provide Attribution and Avoid Plagiarism ... 28  
      1. Plagiarism Defined ........................................... 28  
         a. In Law School .............................................. 28  
         b. In Practice ............................................... 29  
      2. Causes of Plagiarism ........................................ 29  
      3. Rules of Attribution ......................................... 30  
         a. What to Cite .............................................. 30  
         b. How to Cite ............................................. 31  

Chapter 2. Analyzing Legal Authority: Case Law ............... 35  
I. Introduction to Reading Cases .................................... 35  
   A. Case Reading for Doctrinal Courses .......................... 35  
   B. Case Reading for Legal Writing Classes and Legal  
      Practice .............................................................. 36  
II. Reading Strategies ................................................ 36  
   A. The Structure of a Case in a Reporter ....................... 36  
   B. Contextualizing the Case ...................................... 47  
   C. Reading as a Creative Activity .............................. 48  
   D. Case Briefing: Finding the Parts of a Judicial Decision .. 49  
      1. Facts ............................................................. 50  
      2. Issue(s) .......................................................... 51  
      3. Holding(s) ...................................................... 51  
      4. Legal Rule and Reasoning .................................. 51  
      5. Policy ............................................................ 51  
      6. Reflection ........................................................ 51  
III. Analyzing Common Law Causes of Action ..................... 54  
IV. Using the Parts of a Judicial Decision .......................... 55  
   A. Reasoning by Analogy .......................................... 55  
   B. Applying Precedent ............................................ 56  
      1. Issues ............................................................ 56  
      2. Facts ............................................................. 57  
         Exercise 2-A ................................................... 58  
         Exercise 2-B ................................................... 59  
         Exercise 2-C ................................................... 59  
         Exercise 2-D ................................................... 61  
         Exercise 2-E ................................................... 63  
      3. Holding ........................................................... 63  
         Exercise 2-F ................................................... 64  
      4. Reasoning ........................................................ 64  
      5. Policy ............................................................. 65  
         Exercise 2-G ................................................... 65  
         Exercise 2-H ................................................... 66  
         Exercise 2-I ................................................... 67  
V. Synthesizing Cases .................................................. 68  
   A. Grouping Cases .................................................. 69
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Defining Elements from Evolving Case Law</td>
<td>70</td>
</tr>
<tr>
<td>Exercise 2-J</td>
<td>73</td>
</tr>
<tr>
<td>C. Identifying Relevant Factors</td>
<td>73</td>
</tr>
<tr>
<td>Exercise 2-K</td>
<td>74</td>
</tr>
<tr>
<td>Exercise 2-L</td>
<td>75</td>
</tr>
<tr>
<td>Exercise 2-M</td>
<td>75</td>
</tr>
</tbody>
</table>

### Chapter 3. Analyzing Legal Authority: Statutes

| I. Introduction to Reading Statutes                                      | 77   |
| II. The Structure of a Statute                                           | 77   |
| A. The Structure of a Whole Statute                                      | 77   |
| 1. Title and Preamble                                                    | 77   |
| 2. Body                                                                 | 78   |
| 3. Miscellaneous Provisions                                              | 78   |
| B. The Structure of a Provision                                          | 78   |
| Exercise 3-A                                                            | 81   |
| III. The Language of the Statute                                         | 81   |
| A. Specially Defined Words                                               | 81   |
| B. Words of Authority                                                    | 82   |
| IV. Finding the Statutory Issues                                         | 82   |
| Exercise 3-B                                                            | 83   |
| Exercise 3-C                                                            | 84   |
| Exercise 3-D                                                            | 85   |
| Exercise 3-E                                                            | 85   |
| V. Techniques of Statutory Interpretation                                | 86   |
| A. Legislative Intent                                                   | 87   |
| 1. Plain Meaning                                                        | 87   |
| Exercise 3-F                                                            | 88   |
| Exercise 3-G                                                            | 89   |
| 2. Extrinsic Evidence                                                   | 89   |
| a. Legislative History                                                  | 90   |
| Exercise 3-H                                                            | 90   |
| Exercise 3-I                                                            | 92   |
| Exercise 3-J                                                            | 94   |
| B. The Canons of Construction                                           | 95   |
| C. Stare Decesis and Statutes                                           | 96   |
| Exercise 3-K                                                            | 97   |

### Chapter 4. Organization of a Legal Discussion: Large-Scale Organization

| I. Introduction                                                         | 99   |
| II. Organizing a Discussion                                             | 99   |
| A. Organize by Claim                                                    | 99   |
| B. Organization Within One Claim—Identifying the Issues                 | 101  |
| 1. A Common Law Claim Has Been Defined by Elements                      | 101  |
| Exercise 4-A                                                            | 104  |
## TABLE OF CONTENTS

2. The Terms of a Statute Identify the Elements ........ 107  
   Exercise 4-B .............................................. 109  
   Exercise 4-C .............................................. 109  
3. The Elements of a Rule Evolve over a Series of  
   Cases .................................................. 110  
   Exercise 4-D .............................................. 113  
4. The Court Identifies and Balances Factors: The  
   Totality of Circumstances Approach .................... 114  
   Exercise 4-E .............................................. 119  

Chapter 5. Organization of a Legal Discussion: Small-Scale  
Organization ............................................... 121  
I. Introduction .............................................. 121  
II. Organization of a Legal Analysis on a Single Legal Issue  
   Using a Single Case ...................................... 123  
   A. Step One: The Rule of Law ......................... 124  
   B. Step Two: Case Law .................................. 125  
   C. Step Three: Application of Precedents to Your Own  
      Case ................................................... 126  
   D & E. Steps Four and Five: Counterarguments, Evaluation  
      and Legal Conclusion ................................ 127  
      Exercise 5-A .............................................. 129  
III. Rule and Case Synthesis in a Legal Analysis of a Single  
      Issue .................................................. 130  
IV. Rule and Case Synthesis When the Issue Has Factors .......... 134  
    Exercise 5-B .............................................. 139  

Chapter 6. The Thesis Paragraph ................................. 143  
I. Introduction .............................................. 143  
   A. Thesis Paragraph with One Claim ................... 143  
   B. Thesis Paragraph with Multiple Claims ............. 145  
      Exercise 6-A .............................................. 146  

Chapter 7. Writing a Legal Document: The Legal  
Memorandum ............................................... 149  
I. Purpose of a Memorandum ................................ 149  
   A. Audience .............................................. 149  
   B. Writing Techniques ................................... 150  
II. The Traditional Office Memo ................................ 151  
   A. Statement of Facts ................................... 152  
      Exercise 7-A .............................................. 155  
   B. Question Presented .................................. 156  
   C. The Short Answer or Conclusion ..................... 162  
      Exercise 7-B .............................................. 164  
   D. Applicable Statutes ................................... 165  
   E. Discussion ............................................. 165  
   F. Conclusion ............................................. 166  
III. Informal Memoranda/E-mail ................................ 166  
    Exercise 7-C .............................................. 170
# TABLE OF CONTENTS

Chapter 8. The Writing Process ........................................ 175
I.  Introduction .................................................................. 175
II. From Research to Outline ........................................... 176  
    A. Issue Organization .............................................. 176  
    B. Small-Scale Organization ..................................... 176  
III. The First Draft: Putting It Down on Paper ..................... 181  
    A. Getting Started .................................................. 181  
    B. Writer’s Block .................................................... 182  
        1. Write in Order of Ease .................................... 182  
        2. Freewrite ..................................................... 182  
        3. Take a Break ............................................... 183  
IV.  Rewriting .............................................................. 184  
    A. Revising Your Organization and Analysis .................. 185  
    B. Revising Sentences ............................................ 186  
    C. Proofreading .................................................... 186  

Chapter 9. Effective Paragraphs ....................................... 189
I.  Introduction .................................................................. 189  
II. Topic Sentences and Paragraph Unity .............................. 189  
    A. Topic Sentences Establish Context .......................... 190  
    B. Topic Sentences Introduce Issues and Subissues ........ 191  
    C. Topic Sentences Aid Paragraph Unity ....................... 192  
    D. Topic Sentences Help You Assess Paragraph Length .... 193  
III. Paragraph Transitions ................................................ 194  
    Exercise 9-A ............................................................ 197  
IV.  Paragraph Coherence ................................................ 198  
    A. Paragraph Coherence: Organization ......................... 199  
    B. Paragraph Coherence: Sentence Transitions .............. 200  
        1. Transition Words and Coherence ....................... 200  
        2. Other Connectors ........................................... 201  
        3. Overlapping Sentences .................................... 201  
        4. Coherence and Complex Sentences ...................... 202  
        5. Coherence and the Repetition of Key Words .......... 202  
    Exercise 9-B ............................................................ 203  
    Exercise 9-C ............................................................ 205  

Chapter 10. Sentence Structure ......................................... 207
1.  Whenever Possible, Use Short, Concrete Subjects ............ 209  
2.  Use Short, Active Predicates—Not Nominalizations .......... 209  
3.  To Promote the Main Idea of the Sentence, Do Not Separate  
    the Subject from the Verb with Intruding Phrases and  
    Clauses ............................................................... 210  
4.  Keep Your Sentences Relatively Short (Under 25 Words) .... 211  
5.  Whenever Possible, Use Active Rather than Passive Voice ... 212  
6.  Maintain Parallel Sentence Structure (Parallelism) .......... 213  
7.  Avoid Misplaced and Dangling Modifiers ...................... 214  
8.  Identify and Punctuate Restrictive and Nonrestrictive  
    Modifiers Correctly .............................................. 215  
9.  Eliminate Unnecessary Words ..................................... 217
Chapter 11. Types of Legal Arguments in Resolving Questions of Law ...................................................... 227
I. Introduction ................................................................................................................................. 227
II. Authority Arguments Based on Precedent ............................................................................... 228
   A. Broad and Narrow Interpretation ......................................................................................... 228
   B. Extending Precedents to Cover a Gap .................................................................................. 229
   C. Conflicting Lines of Authority ............................................................................................. 230
   D. Overruling Precedent ............................................................................................................ 231
III. Authority Arguments Based on Statutes ............................................................................... 232
   A. Plain Meaning Analysis ......................................................................................................... 233
      1. Syntactic Ambiguity ............................................................................................................ 233
      2. Semantic Uncertainty ....................................................................................................... 234
   B. Other Sources of Legislative Intent ....................................................................................... 236
      1. Statutory Context ................................................................................................................ 236
      2. Legislative History ............................................................................................................. 237
      3. Regulatory Agencies ........................................................................................................... 238
      4. Predecessor and Similar Statutes ....................................................................................... 238
      5. Legislative Activity ............................................................................................................ 238
   C. Canons of Construction ......................................................................................................... 239
      1. Ejusdem Generis .................................................................................................................. 239
      2. Expressio Unius, Exclusio Alterius ..................................................................................... 239
      3. In Pari Materia .................................................................................................................... 240
      4. Canons on a Statute’s Policy ............................................................................................... 241
IV. Policy Arguments ......................................................................................................................... 241
   A. Normative Arguments ............................................................................................................. 242
   B. Economic Arguments .............................................................................................................. 243
   C. Institutional Competence Arguments ..................................................................................... 244
   D. Judicial Administration Arguments ....................................................................................... 245
V. Organizing Levels of Argument in Questions of Law ................................................................. 246
   Exercise 11-A .............................................................................................................................. 248
   Exercise 11-B .............................................................................................................................. 250
   Exercise 11-C .............................................................................................................................. 252
   Exercise 11-D .............................................................................................................................. 254
   Exercise 11-E .............................................................................................................................. 255
# TABLE OF CONTENTS

Chapter 12. Interviewing the Client .............................................................. 257
I. Introduction .................................................................................................. 257
II. Goals of the Interview ............................................................................... 259
III. Preparation for the Interview .................................................................. 261
IV. The Interview .............................................................................................. 261
V. The Memo to the File .................................................................................. 264
   Exercise 12-A ............................................................................................... 267

Chapter 13. Counseling the Client ................................................................. 269
I. Roles of the Lawyer and the Client ............................................................. 269
II. Preparation for Counseling ......................................................................... 270
   Exercise 13-A ............................................................................................... 273
III. Structure of the Counseling Meeting ......................................................... 274
IV. Techniques of Counseling ......................................................................... 275
   Exercise 13-B ............................................................................................... 277

Chapter 14. Letter Writing ............................................................................ 279
I. Analyzing the Rhetorical Context ............................................................... 279
   A. Think About Your Audience ................................................................ 279
   B. Determine the Letter’s Purpose ............................................................ 281
   C. Analyze Available Writing Strategies ............................................... 282
      1. Writer’s Persona and Tone ................................................................. 282
      2. Tailor Your Treatment of Law and Facts to Your Audience .......... 284
      3. Choose an Effective Organization ................................................... 284
II. Types of Lawyer Letters ............................................................................. 285
   A. Opinion or Advice Letters .................................................................. 285
      1. The Salutation and Introductory Paragraph .................................. 286
      2. The Facts ............................................................................................ 287
      3. Legal Analysis .................................................................................... 289
      4. Recommendations to the Client ..................................................... 290
      5. Closing Paragraph ............................................................................ 291
         Exercise 14-A ....................................................................................... 291
         Exercise 14-B ....................................................................................... 293
   B. Status Letters .......................................................................................... 299
      1. The Introductory Paragraph ............................................................... 300
      2. Summarize the Context .................................................................... 301
      3. Summarize the Factual or Legal Analysis ....................................... 301
      4. The Expected Results and Available Options ................................ 302
      5. The Closing Paragraph ..................................................................... 302
   C. Letters to an Adversary/Demand Letters .............................................. 303
      1. The Opening ....................................................................................... 303
      2. Factual and Legal Summary .............................................................. 303
      3. Closing ................................................................................................ 304
         Exercise 14-C ....................................................................................... 306
   D. Letters to Third Parties .......................................................................... 306
   E. Transmittal Letters .................................................................................. 308
III. E-mail and Instant Messaging ................................................................. 309
   A. E-mail and Degrees of Formality ......................................................... 309
Chapter 15. The Trial Brief: Memorandum of Law in Support of or in Opposition to a Motion .......................... 319

I. Introduction .......................................................... 319
   A. The Purpose of Trial Briefs .................................. 319
   B. Content of Motion Papers ................................... 319
   C. The Importance of Court Rules ............................ 321

II. The Attorney as Advocate ....................................... 323
   A. Audience ...................................................... 323
   B. Persuasive Writing ........................................... 324
      1. The Attorney’s Appeals to Ethics, Emotion, Reason, or a Combination of All Three .... 324
         a. Ethics ..................................................... 324
         b. Emotion .................................................. 325
         c. Reason ................................................... 325
      2. Creating the Theory of the Case .......................... 325
      3. Principles of Style ........................................ 327
         a. Achieving Tone ......................................... 327
         b. Diction .................................................... 327
         c. Context .................................................. 328
         d. Sentence Structure .................................... 329
         e. Quotations .............................................. 329

III. Specific Types of Motions ...................................... 330
   A. The Motion to Dismiss ........................................ 330
   B. The Motion for Summary Judgment ........................ 331
      1. The Importance of Affidavits ............................ 332
      2. Writing the Affidavit .................................... 333
   C. The Motion to Suppress Evidence .......................... 334
      1. Notice of Motion and Motion .............................. 335
      2. Affidavit or Declaration in Support .................... 335

IV. Components of a Trial Brief .................................. 338
   A. Caption and Title ............................................ 339
   B. Table of Contents ........................................... 339
   C. The Introduction ............................................. 340
      Exercise 15-A ................................................ 342
      Exercise 15-B ................................................ 342
# TABLE OF CONTENTS

D. Statement of Facts ........................................... 343  
   1. The Procedural History .................................. 343  
   2. The Opening ............................................. 344  
   3. Developing the Facts .................................... 344  
      Exercise 15-C ............................................ 350  
E. Question Presented (Statement of Issues) .................. 351  
      Exercise 15-D ............................................ 351  
F. Point Headings ............................................ 352  
G. Argument .................................................. 354  
   1. Principles of Persuasion ................................ 354  
      Exercise 15-E ............................................ 355  
   2. The Thesis Paragraph .................................... 356  
   3. Choosing Precedent ...................................... 357  
   4. Rebutting Counter-Arguments ............................ 360  
V. Conclusion .................................................. 360  

## Chapter 16. Writing the Appellate Brief .......................... 363  

I. Introduction .................................................. 363  
   A. Standard of Review ...................................... 363  
   B. Selecting Issues for Appeal ............................... 366  
   C. Ordering Issues .......................................... 367  
   D. Audience .................................................. 368  
II. Format of an Appellate Brief: Introductory Information .... 368  
   A. Title Page ............................................... 368  
   B. Table of Contents ....................................... 368  
   C. Table of Authorities ..................................... 369  
III. Question(s) Presented ....................................... 369  
     Exercise 16-A .............................................. 374  
     Exercise 16-B .............................................. 374  
IV. Point Headings .............................................. 376  
    A. Organizing Headings in Outline Form ................. 376  
    B. Writing Persuasive Headings ............................ 378  
       Exercise 16-C ............................................ 383  
V. The Statement of the Case ................................... 384  
   A. The Preliminary Statement ................................ 385  
   B. The Statement of Facts .................................. 386  
      1. The Theory of the Case and Storytelling .......... 386  
      2. Organization ......................................... 387  
      3. Persuasive Writing Techniques ....................... 388  
         a. Show, Don’t Tell ..................................... 388  
         b. Tell Your Story from Your Client’s Point of  
            View ............................................... 389  
         c. Humanize Your Client ................................ 390  
         d. Frame Events Favorably ............................. 391  
         e. Vary Styles and Sentence Length .................. 392  
         f. Above All, Be Subtle, Not Heavy-Handed .......... 392  
   C. The Closing Paragraph .................................... 395  
      Exercise 16-D ............................................. 395
## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>VI. Summary of the Argument</td>
<td>401</td>
</tr>
<tr>
<td>Exercise 16-F</td>
<td>403</td>
</tr>
<tr>
<td>VII. The Argument</td>
<td>406</td>
</tr>
<tr>
<td>A. Introduction</td>
<td>406</td>
</tr>
<tr>
<td>B. Writing a Persuasive Thesis Paragraph</td>
<td>407</td>
</tr>
<tr>
<td>Exercise 16-F</td>
<td>411</td>
</tr>
<tr>
<td>C. Framing Law Affirmatively</td>
<td>412</td>
</tr>
<tr>
<td>1. Framing Law in Questions of Fact</td>
<td>412</td>
</tr>
<tr>
<td>2. Questions of Law</td>
<td>413</td>
</tr>
<tr>
<td>D. Choosing and Arguing Precedent</td>
<td>415</td>
</tr>
<tr>
<td>1. Choose Cases Carefully</td>
<td>415</td>
</tr>
<tr>
<td>2. Use Cases to Assert Your Point</td>
<td>416</td>
</tr>
<tr>
<td>Exercise 16-G</td>
<td>418</td>
</tr>
<tr>
<td>Exercise 16-H</td>
<td>418</td>
</tr>
<tr>
<td>Exercise 16-I</td>
<td>420</td>
</tr>
<tr>
<td>E. Arguing Your Facts</td>
<td>421</td>
</tr>
<tr>
<td>1. Emphasize Favorable Facts</td>
<td>421</td>
</tr>
<tr>
<td>2. Minimize Unfavorable Facts</td>
<td>422</td>
</tr>
<tr>
<td>Exercise 16-J</td>
<td>423</td>
</tr>
<tr>
<td>F. Rebutting Opposing Arguments and Authority</td>
<td>424</td>
</tr>
<tr>
<td>Exercise 16-K</td>
<td>429</td>
</tr>
<tr>
<td>VIII. Conclusion</td>
<td>431</td>
</tr>
<tr>
<td>IX. The Appellee’s Brief</td>
<td>431</td>
</tr>
<tr>
<td><strong>Chapter 17. Oral Argument</strong></td>
<td>437</td>
</tr>
<tr>
<td>I. Purpose of Oral Argument</td>
<td>437</td>
</tr>
<tr>
<td>A. Oral Argument in the Trial Court</td>
<td>437</td>
</tr>
<tr>
<td>B. Oral Argument in the Appellate Courts</td>
<td>438</td>
</tr>
<tr>
<td>II. Preparing the Argument</td>
<td>439</td>
</tr>
<tr>
<td>A. Review Materials</td>
<td>439</td>
</tr>
<tr>
<td>B. Select Issues</td>
<td>440</td>
</tr>
<tr>
<td>C. Pick a Theme</td>
<td>441</td>
</tr>
<tr>
<td>D. Outline Your Argument</td>
<td>442</td>
</tr>
<tr>
<td>III. Structure of Presentation</td>
<td>443</td>
</tr>
<tr>
<td>A. Introduction</td>
<td>443</td>
</tr>
<tr>
<td>B. Theme and Roadmap of Issues</td>
<td>443</td>
</tr>
<tr>
<td>1. The Appellant</td>
<td>443</td>
</tr>
<tr>
<td>2. The Appellee</td>
<td>444</td>
</tr>
<tr>
<td>C. The Facts</td>
<td>445</td>
</tr>
<tr>
<td>1. Appellant</td>
<td>445</td>
</tr>
<tr>
<td>2. The Appellee</td>
<td>446</td>
</tr>
<tr>
<td>D. The Argument</td>
<td>446</td>
</tr>
<tr>
<td>E. Rebuttal</td>
<td>447</td>
</tr>
<tr>
<td>F. Prayer for Relief</td>
<td>447</td>
</tr>
<tr>
<td>IV. Questions by the Court</td>
<td>447</td>
</tr>
<tr>
<td>A. Types of Questions</td>
<td>448</td>
</tr>
<tr>
<td>B. Formalities of Questioning</td>
<td>449</td>
</tr>
<tr>
<td>V. Style of Presentation</td>
<td>450</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

Chapter 18. Law School Exams ......................................................... 453

I. Introduction .................................................................................. 453

II. Starting the Exam ........................................................................ 453

III. Writing the Exam Answer .......................................................... 454
    A. Getting Started ....................................................................... 454
    B. Use the Facts ......................................................................... 455
    C. Organize Your Answers ........................................................ 456
    D. Include Policy ......................................................................... 456

IV. Open Book Exams ....................................................................... 457

V. Multiple Choice Exams ............................................................... 457

VI. A Last Word .................................................................................. 457

Appendix A. Grammar, Punctuation, and Quotation ....................... 459
    Exercise A-1: Grammar and Punctuation ................................... 474
    Exercise A-2: Grammar and Punctuation ................................... 475
    Exercise A-3: Review Exercise—Coherence, Grammar, and Style ..... 476

Appendix B. Citation Exercises ....................................................... 479

Appendix C. Sample Office Memorandum ....................................... 481

Appendix D. Sample Office Memorandum ....................................... 487

Appendix E. Sample Memorandum in Support of a Motion to Dismiss .......................................................... 495

Appendix F. Sample Memorandum in Opposition to a Summary Judgment Motion .......................................................... 505

Appendix G. Sample Appellate Brief............................................... 513

INDEX .................................................................................................. 529