
SUMMARY OF CONTENTS

<i>Contents</i>	<i>xi</i>
<i>List of Illustrations</i>	<i>xxxi</i>
<i>Preface</i>	<i>xxxv</i>
<i>Acknowledgments</i>	<i>xxxvii</i>
PART 1 LEGAL RESEARCH	1
CHAPTERS	
1 Introduction to Legal Research and Writing	3
2 Legal Authorities and How to Use Them	21
3 Court Decisions	41
4 Digests and Topical Classification Systems	85
5 Validating	111
6 Secondary Authority	127
7 Constitutions and Statutes	167
8 Legislative History	209
9 Administrative Materials and Looseleaf Services	223
10 Commercial Databases	251
11 Practice Rules	277
12 Ethical Rules	287
13 Practitioner's Materials	295
14 Research Strategy	303

PART 2 LEGAL WRITING	323
CHAPTERS	
15 Getting Ready to Write	325
16 Clear Writing and Editing	337
17 Writing Basics	349
18 Case Briefing and Analysis	365
19 The Legal Memorandum	405
20 Questions Presented and Conclusions or Brief Answers	419
21 Facts	435
22 The IRAC Method	459
23 Synthesizing Cases and Authorities	479
24 Outlining and Organizing a Memorandum	499
25 Correspondence	527
<i>Appendix: Citation</i>	557
<i>Index</i>	577

CONTENTS

<i>List of Illustrations</i>	<i>xxxi</i>
<i>Preface</i>	<i>xxxv</i>
<i>Acknowledgments</i>	<i>xxxvii</i>
PART 1 LEGAL RESEARCH	1
<hr/>	
CHAPTER 1 INTRODUCTION TO LEGAL RESEARCH AND WRITING	3
<i>CHAPTER OVERVIEW</i>	<i>3</i>
A. INTRODUCTION TO LEGAL RESEARCH AND WRITING	4
1. The Role of the Paralegal in Legal Research and Writing	4
Why Do Paralegals Perform Research?	4
What Tasks Do Paralegals Handle in the Research and Writing Process?	4
B. INTRODUCTION TO THE U.S. LEGAL SYSTEM	5
1. The Organization of the Legal System	5
How Did the Federal and State Systems Originate?	6
2. Components of the Federal System and Governing Law	6
a. The Legislative Branch	6
How Is Legislation Enacted?	7
	<i>xi</i>

b. The Executive Branch	7
c. The Judicial Branch	10
Who Can Bring an Action in Federal Court?	11
<i>i. The Trial Courts</i>	11
<i>ii. The Appellate Courts</i>	12
<i>iii. The Supreme Court</i>	12
3. Relationship Between Federal and State Governments	13
Can a Federal Court Decide an Issue of State Law?	13
What Effect Does a Federal Decision Have on State Law?	13
Are Federal and State Agencies Part of One Governing Body?	13
4. Organization of State Governments	15
What Are the Duties of the State Courts?	16
Can State Courts Decide Issues of Federal Law?	16
<i>Chapter Summary</i>	17
<i>Key Terms</i>	17
<i>Exercises</i>	17
CHAPTER 2 LEGAL AUTHORITIES AND HOW TO USE THEM	21
<i>CHAPTER OVERVIEW</i>	21
A. DETERMINATION OF GOVERNING LAW	22
1. Jurisdiction	22
What Factors Determine Which Jurisdiction Governs Your Case?	22
2. Precedent	22
3. Hierarchy of Authorities	23
a. Currency	23
b. Levels of Court	24
c. Conflicting Decisions Between Circuits	25
d. State and Federal Decisions Concerning an Issue	26
e. Conflicts in Federal and State Authority	27
f. State Court Decisions	27
4. Dicta	27
B. TYPES OF LEGAL RESOURCES	28
1. Primary Authority	28
How Do You Determine Whether a Case Is Mandatory or Binding?	29
When Is a Case or Statute Persuasive Authority?	29
What Process Should You Undertake to Decide When to Use Persuasive Authority?	29
2. Secondary Authority	31
3. Finding Tools	32
4. Hybrid Sources of Authority	33
5. Nonlegal Sources	33

C. USE OF AUTHORITIES OR SOURCES IN YOUR LEGAL WRITING	33
1. Essential Sources to Cite	33
2. Valuable Sources to Cite	34
3. Sources Never to Cite	34
Checklist	34
<i>In-Class Exercise</i>	35
<i>Chapter Summary</i>	36
<i>Key Terms</i>	37
<i>Exercises</i>	37
CHAPTER 3 COURT DECISIONS	41
<i>CHAPTER OVERVIEW</i>	41
A. REPORTERS	41
1. Bench Opinions	42
2. Slip Opinions	42
a. Supreme Court Slip Opinions	43
b. Other Slip Opinions	43
How Are Pending or Unreported Opinions Such as Slip Opinions Cited in Memorandums to the Court or to Attorneys?	43
3. Preliminary Prints	47
4. Bound Reporters	47
a. U.S. Supreme Court Decisions	47
What Happens If the Language of a Decision in the Commercial Reporters Varies from the Language in <i>U.S. Reports</i> ?	48
Is U.S. Supreme Court Docket Information Available without Charge on the Internet?	48
Why Use the Commercial Reporters Rather Than the Official Reports?	57
How Do You Locate a Reported Case?	62
How Are U.S. Supreme Court Cases Cited?	62
b. Other Federal Case Reports	64
Where Do You Find Decisions of Other Federal Courts?	64
How Are <i>Federal Reporter</i> and <i>Federal Supplement</i> Decisions Cited?	74
Are Decisions Published in Any Other Reporters?	75
5. State Reporters	75
Where Can You Find State Court Decisions?	75
Are There Any Unofficial Reports of State Cases?	75
Why Would You Use the Regional Reporter Rather Than the Official State Reporter?	76
How Are State Cases Cited?	77

6. Computerized Reporting	78
Can You Find Decisions on the Internet and through Fee-Based Computer Services?	78
What Free Resources Allow Researchers to Search for Federal and State Cases?	80
How Do You Know Whether a Case Is Published or Available Online Only?	81
How Are Decisions Reported Only on Westlaw or Lexis Cited?	81
 <i>Chapter Summary</i>	82
<i>Key Terms</i>	83
<i>Exercises</i>	83
 CHAPTER 4 DIGESTS AND TOPICAL CLASSIFICATION SYSTEMS	85
 <i>CHAPTER OVERVIEW</i>	85
 A. CONTENT OF DIGESTS AND ONLINE TOPICAL CLASSIFICATION SYSTEMS ORGANIZATION	86
What Are Digests and Online Topical Classification Systems, and What Do They Contain?	86
1. Headnotes and Key Numbers	86
2. Types of Digests	87
3. Organization of Digests and Online Topical Classification Systems	89
How Are Digests and Online Topical Classification Systems Organized?	89
 B. GUIDE TO THE PRINT DIGEST SYSTEMS	92
How Do You Use a Digest System?	92
1. Descriptive Word Index Method	92
What Is the Descriptive Word Index Method?	92
2. Topic Outline Method	94
What Is the Topic Outline Method?	94
3. One Good Case Method	94
What Is the One Good Case Method?	94
Once You Have a Relevant Topic or Key Number, What Comes Next?	96
 C. ONLINE TOPICAL CLASSIFICATION SYSTEM RESEARCH	96
Can Topical Classification Systems Be Searched Online?	96
1. Browse Topical Classifications	96
How Do You Browse Topical Classifications Online?	96
2. Words or Terms Search of Topical Classification Systems Online	101

3. One Good Case Method Online	102
What Is the One Good Case Method Online?	102
<i>Chapter Summary</i>	107
<i>Key Terms</i>	107
<i>Exercises</i>	107
CHAPTER 5 VALIDATING	111
<i>CHAPTER OVERVIEW</i>	111
A. SHEPARD'S	111
What Is a Citator?	111
Why Use <i>Shepard's</i> ?	112
What Information Does <i>Shepard's</i> Provide for Researchers and How Do You Use <i>Shepard's</i> Online?	112
B. KEYCITE	118
What Is the Difference Between <i>Shepard's</i> and KeyCite?	123
Why Would You Use Both KeyCite and <i>Shepard's</i> ?	123
How Do I Access KeyCite?	123
C. OTHER CITATORS	123
<i>Chapter Summary</i>	124
<i>Key Terms</i>	125
<i>Exercises</i>	125
CHAPTER 6 SECONDARY AUTHORITY	127
<i>CHAPTER OVERVIEW</i>	127
A. SECONDARY AUTHORITY: WHAT IT IS AND WHERE TO FIND IT	128
What Is Secondary Authority?	128
Why and When Do You Use a Secondary Source?	128
What Are the Sources of Secondary Authority?	129
B. DICTIONARIES	129
What Is a Legal Dictionary?	129
When Would a Legal Dictionary Be Used?	129
How Would You Cite to a Legal Dictionary?	130
Are Legal Dictionaries Available Online?	130
C. ENCYCLOPEDIAS	132
1. Generally	132
What Is a Legal Encyclopedia?	132

Why Would You Use an Encyclopedia?	132
When Do You Cite an Encyclopedia as Authority?	132
2. American Jurisprudence	133
What Is Contained in <i>American Jurisprudence</i> ?	133
How Do You Use Am. Jur.?	140
What Is the Citation Format for Am. Jur.?	140
3. State Law Encyclopedias	140
Are There Any Legal Encyclopedias for State Law?	140
4. Online Encyclopedia Services	142
Are Legal Encyclopedias Available on Lexis or Westlaw?	142
D. AMERICAN LAW REPORTS	142
What Are <i>American Law Reports</i> ?	142
How Do You Use A.L.R.?	143
Why Would You Use A.L.R.?	145
How Do You Cite to an A.L.R. Annotation?	149
How Do You Update an A.L.R. Annotation?	149
Can A.L.R. Annotations Be Shepardized?	150
E. TREATISES AND HORNBOOKS	150
What Are Treatises and Hornbooks?	150
How Do You Find a Thorough Treatise or Hornbook?	150
Which Treatises Are Most Noteworthy?	151
Why Do You Use a Treatise?	151
How Do You Use a Treatise or Hornbook?	151
Are Treatises Ever Relied on as Authority?	152
How Do You Cite to a Hornbook and a Treatise?	152
Are Treatises Available Online?	152
How Are Treatises and Hornbooks Updated?	152
F. RESTATEMENTS OF THE LAW	153
What Are Restatements?	153
How Are the Restatements Updated?	153
How Do You Use the Restatements?	153
Can the Restatements Be Shepardized?	156
Are the Restatements Available Online?	156
How Are the Restatements Cited?	156
G. UNIFORM LAWS	157
Where Do You Find Uniform Laws?	157
How Do You Update a Uniform Law?	159
How Do You Validate a Uniform Law?	159
How Do You Cite a Uniform Law?	160
H. LEGAL PERIODICALS	160
What Are Legal Periodicals?	160
Why Would You Use a Legal Periodical?	160

How Do You Obtain Relevant Legal Periodical Articles?	161
Are Legal Periodicals Available on Lexis and Westlaw?	162
How Do You Cite to a Law Review or Law Journal?	162
What Is a Blog?	162
<i>Chapter Summary</i>	162
<i>Key Terms</i>	163
<i>Exercises</i>	163
CHAPTER 7 CONSTITUTIONS AND STATUTES	167
<i>CHAPTER OVERVIEW</i>	167
A. CONSTITUTIONS	168
What Is a Constitution?	168
What Is the Relationship Between the Federal Constitution and the State Constitutions?	168
Who Determines Whether a Statute Violates the U.S. Constitution?	168
Can Federal and State Constitutions Be Validated?	168
Where Are Federal and State Constitutions Found?	170
How Do You Cite Federal or State Constitutions?	171
Are Constitutions Available on Lexis and Westlaw?	172
Are There Any Hardcopy Digests or Other Finding Tools That Assist with Researching Federal Constitutional Issues?	172
B. STATUTES	172
What Are Statutes?	172
1. The Legislative Process	173
How Is a Statute Created Through the Federal Legislative Process?	173
What Are Slip Laws?	174
What Are Session Laws?	174
What Are the Statutes at Large?	175
What Is Codification?	175
2. Reading and Understanding Statutes	180
How Do You Read a Statute?	180
What Type of Legal Authority Are Statutes?	187
What Is the Relationship Between Statutes and Case Law?	188
3. How to Find Federal Statutes	188
Where Are Federal Statutes Found?	188
How Often Is the U.S.C. Updated?	189
Is the U.S.C. the Only Codified Version of the Federal Statutes?	189
What Do the Unofficial Codes Contain?	189
Is There Any Difference Between the U.S.C.S. and the U.S.C.A.?	190
Why Would You Use an Annotated Set of the U.S.C.?	190

How Useful Are Annotated Statutes as Finding Tools?	191
What Are the Research Methods Used to Find Relevant Statutes?	191
How Do You Cite Federal Statutes?	196
4. Validating and Updating Statutes	197
How and Why Would You Validate Federal Statutes?	197
How Do You Update Statutes?	200
5. How to Find State Statutes	201
How Does State Statutory Research Compare with Federal Statutory Research?	201
How Can You Tell Whether a State Code Is the Official or the Unofficial Statutory Compilation?	204
6. Researching Statutes Online	204
What Are the Features of Online Statutes?	204
a. United States Code	204
b. State Statutes	205
<i>Chapter Summary</i>	205
<i>Key Terms</i>	205
<i>Exercises</i>	206
CHAPTER 8 LEGISLATIVE HISTORY	209
<i>CHAPTER OVERVIEW</i>	209
A. LEGISLATIVE INFORMATION	209
1. Finding the Text of Pending Legislation	210
2. Tracking Pending Legislation	211
B. LEGISLATIVE HISTORIES	212
Where Do You Find Copies of Public Laws?	212
How Do You Research Legislative Histories of Laws That Are Already Enacted?	212
How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A.?	213
What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.?	217
Is Legislative History Primary Authority?	217
How Do You Cite Legislative History Found in U.S.C.C.A.N.?	217
How Do You Cite to a Legislative History of a Statute?	217
What Are Some Other Sources of Legislative Information?	218
How Do You Research State Legislative Histories?	218
What Additional Sources for Legislative Information Are Available?	219
<i>Chapter Summary</i>	222
<i>Key Terms</i>	222
<i>Exercises</i>	222

CHAPTER 9 ADMINISTRATIVE MATERIALS AND LOOSELEAF SERVICES	223
<i>CHAPTER OVERVIEW</i>	223
A. INTRODUCTION	224
What Is Administrative Law?	224
How Can Administrative Agencies Create Law When This Is the Job of Congress?	224
How Do Administrative Agencies Operate?	224
B. REGULATIONS	225
How Are Regulations Adopted?	225
What Type of Authority Is an Administrative Regulation or Rule?	225
C. FINDING ADMINISTRATIVE LAW	225
1. Generally	225
Where Do You Find Federal Administrative Law?	225
Where Do You Find State Administrative Law?	228
2. Specific Sources	228
a. Federal Register	228
How Do You Search the <i>Federal Register</i> ?	229
How Can You Use Lexis and Westlaw to Retrieve the <i>Federal Register</i> ?	234
How Do You Use the <i>Federal Register</i> in Print?	234
b. Code of Federal Regulations	234
How Often Is the C.F.R. Updated?	235
How Do You Use the C.F.R.?	235
When and Why Would You Use Old Regulations?	238
How Do You Update and Validate Regulations?	238
How Is the Updating Performed in Practice?	239
How Do You Validate, Shepardize, or KeyCite a C.F.R. Citation?	244
How Are the C.F.R. and the <i>Federal Register</i> Cited?	244
D. DECISIONS	244
What Else Do Administrative Agencies Do?	244
What Kind of Authority Are Administrative Decisions?	245
Can Administrative Agency Decisions Be Shepardized or Checked on KeyCite?	245
Other Than the Agency Itself, Where Can You Find Administrative Agency Decisions?	246
E. LOOSELEAF SERVICES	246
What Are Looseleaf Services?	246
What Type of Authority Are Looseleaf Services?	246
Researching Administrative Law: Summary	247

<i>Chapter Summary</i>	247
<i>Key Terms</i>	248
<i>Exercises</i>	248
CHAPTER 10 COMMERCIAL DATABASES	251
<i>CHAPTER OVERVIEW</i>	251
A. INTRODUCTION	253
What Are the Benefits of Using Online Legal Research Systems?	254
What Are the Major Disadvantages of Using Online Legal Research Systems?	254
1. Uses for Lexis, Westlaw, and Bloomberg Law	255
2. Additional Features	255
B. SEARCHING WITH ONLINE LEGAL RESEARCH SYSTEMS	256
1. General Overview	256
2. The Basics	258
How Can You Filter the Information?	258
3. Search Formulation	259
What Is a Search or Query?	259
a. Connectors	260
b. Quotations	262
c. Plurals	262
d. Irregular Plurals	263
e. Hyphenated Words	263
f. Noise Words or Articles	263
g. Capitalizing Proper Nouns and Other Terms	263
4. Other Ways to Restrict Your Search to Retrieve On-Point Information	264
a. Date and Court Restrictors	264
b. Other Restrictors	265
c. Fields	265
Why Does Integrating Traditional and Computerized Resources Result in the Most Effective Computerized Legal Research?	265
5. Retrieving the Results of Your Research	267
Are There Any Other Ways to Retrieve Documents?	267
6. Point-and-Click Enhancements	267
7. Additional Features on Lexis and Westlaw	268
8. Comparing Lexis and Westlaw	269
a. Differences between Lexis and Westlaw	269
b. Similarities between Lexis and Westlaw	270
How Do You Use the Computer Most Efficiently?	271
How Do You Cite to Cases Retrieved on Lexis and Westlaw?	271
How Do You Cite a Decision Reported on Lexis?	271

How Do You Indicate a Page or Screen Number for the Case?	271
What Are the Other Sites for Computerized Legal Research?	272
<i>Chapter Summary</i>	272
<i>Key Terms</i>	273
<i>Exercises</i>	273
CHAPTER 11 PRACTICE RULES	277
<i>CHAPTER OVERVIEW</i>	277
A. OVERVIEW OF RULES OF PRACTICE	278
What Are Rules of Practice?	278
What Rules Govern Procedures in the Federal Courts?	278
Do the Federal Rules Control Proceedings in State Courts?	278
What Federal Courts Follow the Federal Rules of Civil Procedure?	278
Are the Federal Trial Courts Governed by Any Other Rules?	278
What Rules of Procedure Do Federal Appellate Courts Follow?	279
What Rules Govern Practice Before the U.S. Supreme Court?	279
B. RESEARCHING RULES OF PRACTICE	280
1. Sources	280
Where Do You Find These Rules? Are the Federal Rules Available Online?	280
2. Steps in Researching Rules and Court Decisions	281
How Do You Research a Federal Rule?	281
How Do You Find Cases or Secondary Authorities That Interpret and Explain the Federal Rules?	281
What Sources Are Available to Help Interpret These Rules?	282
How Would You Cite the Various Federal Rules?	282
How Would You Cite a Decision Contained in the <i>Federal Rules Decisions</i> ?	283
C. STATE RULES OF PRACTICE	283
What Rules Control the Conduct of State Proceedings?	283
Where Would You Find State Rules and Local Rules for State Courts?	283
Are Annotations for State Rules Available?	284
Are There Any Significant State Rule Treatises or Secondary Authorities?	284
D. ENSURING CURRENCY	284
How Do You Ensure That You Are Reviewing the Most Current Version of the Rule?	284
Can State Rules Be Shepardized?	284

<i>Chapter Summary</i>	284
<i>Key Terms</i>	285
<i>Exercises</i>	285
CHAPTER 12 ETHICAL RULES	287
<i>CHAPTER OVERVIEW</i>	287
A. RULES OF PROFESSIONAL RESPONSIBILITY	287
Is There a National Code of Ethics for Attorneys or Paralegals?	288
What Type of Authority Are These State Rules of Attorney Conduct and Cases That Interpret These Rules?	289
When Would You Review the Rules for Ethical Conduct and the Applicable Cases?	289
B. RESEARCHING ETHICAL QUESTIONS	289
1. Primary Sources and Annotated Sources	289
What Is the Value of an Annotated Source for the Rules and Codes?	289
Where Can You Find the <i>ABA Model Rules of Professional Conduct</i> ?	290
What Other Secondary Sources Are Useful for Ethics Researchers?	290
How Do You Use the Annotated Sources?	290
2. Other Useful Authorities	290
Do State Bar Associations Publish Ethics Opinions Similar to Those Prepared by the ABA?	291
3. Research Process	291
How Would You Research an Ethical Question?	291
Can You Find State Ethical Rules and Opinions on Westlaw and Lexis?	291
Can Ethics Rules Be Validated?	292
4. Sample Research Problem	292
How Would You Cite an Ethics Rule Found in the <i>ABA Model Rules of Professional Conduct</i> ?	292
How Would You Cite an ABA Ethics Opinion?	293
<i>Chapter Summary</i>	293
<i>Key Terms</i>	293
<i>Exercises</i>	294
CHAPTER 13 PRACTITIONER'S MATERIALS	295
<i>CHAPTER OVERVIEW</i>	295
A. FORMS	296
Where Can Forms Be Found?	296

B. OTHER PRACTITIONER’S MATERIALS	297
1. Checklists	297
Do Any Publications or Websites Contain Lists of What Steps You Should Follow to Complete a Project?	297
2. Continuing Legal Education Materials	297
Are CLE Materials Available Online?	298
3. Handbooks	298
What Other Valuable Practitioner’s Materials Are Available?	298
4. Jury Instructions	298
What Are Pattern Jury Instructions, and How Do They Differ from Other Jury Instructions?	298
Do the Federal Courts Have Pattern Jury Instructions and Where Can They Be Found?	299
What Type of Research Should Be Done Before You Draft Jury Instructions?	299
5. Briefs, Docket Information, Oral Argument Transcripts, or Recordings	299
6. Other Tools	300
What Other Tools Might a Paralegal Use in Researching a Problem?	300
How Do You Locate Lawyers and Law Firms in Other States or Within a State?	300
 <i>Chapter Summary</i>	301
<i>Key Terms</i>	301
<i>Exercises</i>	302
 CHAPTER 14 RESEARCH STRATEGY	303
 <i>CHAPTER OVERVIEW</i>	304
 A. QUESTION: DEFINE THE ISSUES AND DETERMINE AREA OF LAW	305
Where Do You Begin Your Research?	305
1. Question	305
2. Learn	305
 B. FIND THE AUTHORITY	307
How Do You Find Authority?	307
1. Evaluate	308
2. Update and Validate	308
3. Record and Cite	309
4. Complete Your Research	310
 C. EXAMPLE OF RESEARCH STRATEGY	310
1. Question	310
2. Learn	311
3. Find	312
4. Evaluate	312

5. Update and Validate	313
6. Record Keeping and Note Taking	313
7. Complete Your Research	313
What to Do After Completing Your Research	313
Summary Checklist	314
<i>Chapter Summary</i>	316
<i>Key Terms</i>	316
<i>Exercises</i>	317
PART 2 LEGAL WRITING	323
<hr/>	
CHAPTER 15 GETTING READY TO WRITE	325
<i>CHAPTER OVERVIEW</i>	325
A. WRITING GOALS AND HOW TO ACHIEVE THEM	326
How Do You Plan Your Communication and Revise It?	326
B. THE WRITING PROCESS	326
1. Preparing to Write: Purpose and Audience	326
How Do You Complete the Research Process and Make the Transition to Writing?	326
a. Purpose	327
What Is the Purpose of the Document?	327
b. Audience	328
To Whom Are You Speaking?	328
2. Drafting a Detailed Outline	329
How Do You Organize Your Ideas?	329
3. Revise for Readability	329
4. Example of Process Writing Techniques	330
Checklist to Get Ready to Write	332
Checkpoints	332
<i>Chapter Summary</i>	333
<i>Key Terms</i>	333
<i>Exercises</i>	334
CHAPTER 16 CLEAR WRITING AND EDITING	337
<i>CHAPTER OVERVIEW</i>	337
A. PURPOSE OF EDITING	337
B. PROCESS OF EDITING	338

C. SPECIFIC ITEMS TO REVIEW WHILE EDITING	339
1. Diction	339
What Is Diction?	339
What Are Concrete Verbs?	339
How Do You Avoid Legalese or Legal Speak?	341
2. Voice	341
What Is the Difference Between Active Voice and Passive Voice?	342
3. Paragraphs	343
4. Sentences	343
5. Other Key Rules	343
Revision Checklist	344
<i>Chapter Summary</i>	345
<i>Key Terms</i>	345
<i>Exercises</i>	345
CHAPTER 17 WRITING BASICS	349
<i>CHAPTER OVERVIEW</i>	349
A. PUNCTUATION	350
1. Commas	350
2. Special Comma Rules	351
3. Semicolons	352
4. Colons	352
5. Parentheses	353
6. Double Quotation Marks	353
7. Single Quotation Marks	353
8. Apostrophes	354
B. MODIFIERS	354
C. PARALLEL CONSTRUCTION	355
D. SUBJECT AND VERB AGREEMENT	355
E. RUN-ON SENTENCES	358
F. SENTENCE FRAGMENTS	358
G. THAT AND WHICH	359
H. PRONOUNS	359
<i>Chapter Summary</i>	360
<i>Key Terms</i>	361
<i>Exercises</i>	361

CHAPTER 18 CASE BRIEFING AND ANALYSIS	365
<i>CHAPTER OVERVIEW</i>	365
A. PURPOSE OF A CASE BRIEF	366
B. DIAGRAM OF A DECISION	366
C. ANATOMY OF A CASE BRIEF	369
1. Citation	369
2. Procedural History	371
3. Issues	373
How Do You Determine the Legal Issue or Issues Presented	
When Examining a Client's Problem?	374
How Do You Draft a Statement of the Issue or Issues?	374
4. Holding	375
How Do You Draft a Holding?	376
5. Facts	377
What Are the Relevant Facts?	377
How Do You Organize Your Facts Statement?	378
6. Reasoning	380
7. Dicta	382
8. Disposition	382
D. CASE ANALYSIS	387
1. Sample Single Case Analysis	388
2. Sample Analysis Using Two Cases	395
<i>Chapter Summary</i>	397
<i>Key Terms</i>	397
<i>Exercises</i>	398
CHAPTER 19 THE LEGAL MEMORANDUM	405
<i>CHAPTER OVERVIEW</i>	405
A. THE LEGAL MEMORANDUM	406
What Is an Objective Legal Memorandum and Why	
Is It Written?	406
B. AUDIENCE	407
Who Reads a Memorandum?	407
C. COMPONENTS OF A MEMORANDUM	407
What Is Included in a Memorandum?	407
1. Heading	412

2. Questions Presented or Issues	412
3. Conclusion or Brief Answer	413
What Is the Difference Between a Conclusion and a Brief Answer?	413
4. Facts	414
5. Discussion	415
D. STEPS IN DRAFTING A MEMORANDUM	415
What Steps Should You Take in Drafting a Memo?	415
E. MEMO DRAFTING TIPS	416
Checklist for Drafting a Memorandum	416
<i>Chapter Summary</i>	417
<i>Key Terms</i>	417
<i>Exercises</i>	418
CHAPTER 20 QUESTIONS PRESENTED AND CONCLUSIONS OR BRIEF ANSWERS	419
<i>CHAPTER OVERVIEW</i>	419
A. QUESTIONS PRESENTED OR ISSUES	419
Who Reads the Questions Presented Statement?	420
1. First Draft	420
What Are Legally Significant Facts?	421
2. Research the Issue and Revise It	421
3. Specificity and Precision	422
B. BRIEF ANSWERS AND CONCLUSIONS	423
1. Brief Answers	423
2. Conclusions	424
How Is a Conclusion Different from a Brief Answer?	424
3. Drafting Conclusions	425
<i>Chapter Summary</i>	427
<i>Key Terms</i>	427
<i>Exercises</i>	427
CHAPTER 21 FACTS	435
<i>CHAPTER OVERVIEW</i>	435
A. FACTS STATEMENT	436
1. Defining Fact	436
2. Legally Significant Facts	436
What Facts Should Be Included in the Facts Statement?	436

3. Fact Versus a Legal Conclusion	438
4. Source of Information for a Facts Statement	439
B. ORGANIZING THE FACTS STATEMENT	440
What Are the Different Methods of Organizing a Facts Statement?	440
1. Chronological Organization	440
2. Organization by Claim or Defense	441
3. Organization by Party	442
4. Combination of Chronological and Claim or Party Organization	443
C. WRITING THE FACTS STATEMENT	445
1. Prepare a List of Facts and Preliminary Statement	445
2. Research the Issue	447
3. Revise to Include Only Legally Significant Facts	447
4. Organize the Facts	448
5. Rewrite the Facts Statement	448
 <i>Chapter Summary</i>	449
<i>Key Terms</i>	449
<i>Exercises</i>	449
 CHAPTER 22 THE IRAC METHOD	459
 <i>CHAPTER OVERVIEW</i>	459
A. PURPOSES OF IRAC	460
What Is IRAC?	460
B. IRAC COMPONENTS	460
What Does an IRAC Paragraph Look Like?	460
1. Issues	462
What Is the Difference Between the Question Presented and the Issues in IRAC Paragraphs?	462
2. Rules of Law	463
Why Is Citation Important?	464
3. Application of the Law to the Problem's Facts	465
How Do You Use the Legally Significant Facts?	465
4. Conclusion	466
Checkpoints for Following the IRAC Format	466
 <i>Chapter Summary</i>	467
<i>Key Terms</i>	467
<i>Exercises</i>	467

CHAPTER 23 SYNTHESIZING CASES AND AUTHORITIES	479
<i>CHAPTER OVERVIEW</i>	479
A. SYNTHESIS	480
What Is the Process of Synthesizing Legal Rules?	480
Why Do We Synthesize Legal Authority?	480
B. TYPES OF SYNTHESIS	481
What Are the Four Methods of Synthesizing Authority?	481
C. STEP-BY-STEP PROCESS TO SYNTHESIZING LEGAL RULES	482
D. EXAMPLES OF CASE SYNTHESIS	483
What Is the Process to Synthesize the Rules?	485
What Is the Difference Between a Rule and a Holding?	487
How Do You Synthesize Statutes and Cases?	487
How Do You Synthesize Two Sources of Statutory Authority?	491
Checklist to Synthesize Authorities	492
<i>Chapter Summary</i>	493
<i>Key Terms</i>	493
<i>Exercises</i>	493
CHAPTER 24 OUTLINING AND ORGANIZING A MEMORANDUM	499
<i>CHAPTER OVERVIEW</i>	499
A. PURPOSE OF OUTLINING	500
B. STEPS TO OUTLINING	500
1. Steps in Compiling a List of Legal Authorities	500
2. Organize Issues	504
What Steps Should You Follow in Preparing Your Outline of Each of the Issues?	504
3. Draft a Thesis Paragraph	504
4. Determine Which Element to Discuss First	506
5. List Elements or Subissues	506
6. Add Authority	506
7. Refine Issues	507
8. Arrange the Order of Elements	507
9. Organize into IRAC Paragraph	507

C. MULTI-ISSUE MEMORANDUM	507
How Do You Organize a Multi-Issue Memorandum?	508
<i>Chapter Summary</i>	522
<i>Key Terms</i>	523
<i>Exercises</i>	523
CHAPTER 25 CORRESPONDENCE	527
<i>CHAPTER OVERVIEW</i>	527
A. BASICS OF LETTER WRITING	528
What Formats Are Used?	528
B. COMPONENTS OF A LETTER	529
1. Letterhead and Headers	529
2. Date	531
3. Method of Transmission	531
4. Inside Address	531
5. Reference Line	531
6. Greeting	532
7. Body of Letter	532
8. Closing	533
9. Copies to Others and Enclosures	534
C. TYPES OF LETTERS	535
1. Confirming Letters	535
2. Status Letters and Transaction Summary Letters	536
3. Demand Letters	542
4. Opinion Letters	544
5. E-mail	545
How Do You Draft Subject Lines for E-mail?	547
6. Social Media	548
7. Texting	549
Checklist	551
<i>Chapter Summary</i>	551
<i>Key Terms</i>	552
<i>Exercises</i>	552
<i>Appendix: Citation</i>	557
<i>Index</i>	577