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An Introduction to Legal Reasoning, Writing, and Research Techniques; and Trial Preparation and Appellate Advocacy

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AN INTRODUCTION
TO
LEGAL REASONING, WRITING, AND RESEARCH TECHNIQUES;
AND TRIAL PREPARATION AND APPELLATE ADVOCACY

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PART I: AN INTRODUCTION TO
LEGAL REASONING, WRITING, AND
RESEARCH TECHNIQUES

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PREFACE

This Introduction has been prepared to assist the law student and practitioner in understanding the initial techniques of legal reasoning, writing, and research; and trial and appellate advocacy.

These materials may serve as a basic tool for any future legal research assignments, and are meant to supplement Dernbock & Singleton; The Process of Legal Research; and A Uniform System of Citation, which are also required reading for this course.

Although the first stages of learning the various techniques of Legal Research and Writing are initially time-consuming and sometimes frustrating, the course still remains a crucial area of the law that one must thoroughly master, with practice, in order to provide adequate legal services to future clients.

We welcome any questions or comments regarding the course procedure or content that you may have during this year.

Peter N. Swisher
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LEGAL REASONING, WRITING, AND RESEARCH

INTRODUCTION

A. COURSE DESCRIPTION

The full title of this course is "Legal Reasoning, Writing, and Research" which is approximately 85% of a lawyer's function. The three elements of reasoning, writing, and research are closely inter-related. One can only write as well as one thinks, and the reverse is equally true--one can only think as well as one writes. Finally, given the primary role of legal precedent in Anglo-American law, one's research ability is also crucial in finding--and effectively utilizing--mandatory and persuasive legal authority in any legal argument.

B. TEACHING TECHNIQUES AND SKILLS LEARNING

This course will be taught through three teaching models:

- 1) The exemplary model will consist of class lecture-discussion sessions with the Legal Writing professor on legal reasoning, writing, and research; including exemplary models of legal memoranda and appellate briefs; a legal citation format; and techniques of legal research.
- 2) The critiqued performance model will consist of evaluation and feed-back by the Legal Writing professor and upper level law student assistants on two legal memoranda assignments; law library exercises; citation exercises; a points and authorities trial court memorandum; and an appellate brief. Evaluation will be made twice on each legal memorandum, with the final grade evaluation made by the Legal Writing professor.
- 3) The self-teaching model will constitute approximately 80% of your Legal Writing experience; and will continue after your first-year Legal Writing basic skills course, into your everyday law practice. Expertise will be gained through continuing practice and experience, but the basic fundamentals will be learned in this course.

This course will therefore provide direction, format, and a skills technique approach to legal reasoning, writing, and research--but ultimately it will be the individual student who will be solely responsible for the final analysis and preparation of two legal memoranda and an appellate brief. This self-teaching model will therefore constitute 80% of the course, as a necessary out-of-class requirement.

C. IS THIS COURSE REALLY WORTH ALL THE FRUSTRATION AND TIME-CONSUMPTION REQUIRED TO MASTER ITS BASIC TECHNIQUES?

Legal Reasoning, Writing, and Research is one of the most important courses you will ever take in law school, or use in your future law practice. It may also be one of the most frustrating and time-consuming law school courses for many students. This is because the student is required to learn new and different approaches to legal reasoning and legal analysis; new legal writing techniques and a new legal citation format; and new systems of researching legal precedent as mandatory or persuasive authority. These techniques must be mastered, however, in order to become an effective attorney--and one's frustration and time-consumption will lessen as one's expertise grows with practice.

The University of Richmond's Legal Research and Writing Program has received many favorable comments from numerous judges and practitioners as being one of the best programs in this State and in the surrounding area in preparing students for practice. This course's current restructuring in 1985 was an attempt to improve the program even more, and to continue to meet the needs of the practicing bar.

Independent surveys by the ABA and the Journal of Legal Education have found that practicing lawyers feel that their three most important courses in law school, as used in practice, are 1) legal research and writing; 2) civil and criminal procedure; and 3) evidence (for trial lawyers). So if you question the worth of this course or its content, don't ask a law student--ask a lawyer. Then compare what you have learned in this course with what other lawyers have learned about legal research and writing in school and in practice. This will constitute the ultimate evaluation of your Legal Reasoning, Writing, and Research course.