

Example 9-A • Legal arguments begin and end with conclusions

Jacob Tulchin is “closely related” to his birth mother, Addie Green. To be closely related, the plaintiff must reside in the same household or be the parent, sibling, child, or grandparent of the victim. *Thing v. La Chusa*, 771 P.2d 814, 830 n.10 (Cal. 1989). Although Jacob Tulchin did not grow up in the same household as Addie Green, because he is her biological child, he is closely related to her.

← Conclusion

Explanation followed by application

← Conclusion

Example 9-B • Issue statement begins the legal argument

After proving actual possession, the Neros will have to demonstrate that their possession of the land was open and notorious. To prove that their possession was open and notorious, the plaintiffs must show that the owners had notice that the plaintiffs were asserting title to the disputed property. *Slak*, 875 P.2d at 519. The notice may be actual or constructive. *Id.*

← Issue statement

Table 9-C • Degrees of Certainty

- A court **will likely** conclude the plaintiff can (cannot) establish....
 - A court **will probably** decide the government did (did not) prove....
 - A court **should** determine the employer can (cannot) demonstrate....
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Example 9-D • Conclusions are *not* focused on the element at issue

The deed restriction should not prevent our client from having a falafel stand on the site. Under state law, a “building” is “a constructed edifice designed to stand more or less permanently ... [and] intended for use in one place.” *State v. Ahuja*, 56 So. 2d 142, 144 (Fla. 2d Dist. Ct. App. 1988) (relying on *Webster’s Third New International Dictionary* 292 (1971)). In this case, the falafel stand is not a building because it can be moved.

To get the falafel stand to its current site, wheels were attached and the falafel stand was towed. At the site, the wheels were removed, but they can be replaced, which would allow the falafel stand to be towed away. Thus, the falafel stand is not “designed to stand more or less permanently” nor is it “intended for use in one place.” Therefore, the deed restriction should not restrict the client’s business.

Example 9-E • Conclusions are focused on the element being addressed

A court is likely to hold that our client's falafel stand is not a "building." Under state law, a "building" is "a constructed edifice designed to stand more or less permanently ... [and] intended for use in one place." *State v. Ahuja*, 56 S.E.2d 142, 144 (Fla. Dist. Ct. App. 1988) (relying on *Webster's Third New International Dictionary* 292 (1971)).

In this case, the falafel stand is not a building because it can be moved. To get the falafel stand to its current site, wheels were attached and the falafel stand was towed. At the site, the wheels were removed, but they can be replaced, which would allow the falafel stand to be towed away. Thus, the falafel stand is not "designed to stand more or less permanently" nor is it "intended for use in one place," and it is not a **building**.

Example 9-F • Your application may overlap with your conclusion

Jacob Tulchin is closely related to his birth mother, Addie Green. To be closely related, the plaintiff must reside in the same household or be the parent, sibling, child, or grandparent of the victim. *Thing v. La Chusa*, 771 P.2d 814, 830 n.10 (Cal. 1989). Although Jacob Tulchin did not grow up in the same household as Addie Green, because he is her biological child, he is closely related to her.
