

ESSENTIAL LEGAL KNOWLEDGE  
AND WRITING SKILLS



# **ESSENTIAL LEGAL KNOWLEDGE AND WRITING SKILLS**

*Foundations of Law for  
Every Profession*

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*To John, Jeff, Michael, Erin, Taylor, Dora, Jack, Monica, Ryan, Ethan, Emmett, and The Six with boundless love. How did I get so incredibly lucky to share my life with you? Teaghlach!*

—MEM

*To Sean, Ryan, and Erin: With gratitude for all your love and support; you are my foundation and my why.*

—CKB

*To my high school teachers who inspired excellence: Avis Leabman, Carol Gavoorian O'Brien, and Marguerite Picillo-Gonsalves.*

—FRT



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# Preface

---

*If we want to feel an undying passion for our work, if we want to feel we are contributing to something bigger than ourselves, we all need to know our WHY.*

—Simon Sinek<sup>1</sup>

## Why Pursue Legal Studies?

Why are you pursuing the study of law? Are you hoping to get a promotion in your current job? Does your work require legal knowledge? Are you looking for a new career? Your “why” is important because it informs the direction of your future studies. As you begin your legal education, a solid foundation will serve you well.

Understanding the fundamentals of law and improving your writing skills are beneficial for several reasons. They ...

- Provide tools that increase your value in the workplace.
- Improve your problem-solving skills.
- Strengthen your analytical skills.
- Enhance your communication skills.
- Inform your citizenship.

This text supports those benefits by providing an easy-to-read guide to the fundamentals. If you need a review of the United States legal system, Chapter Two offers important details on the trial court system and our government’s structure and function. Chapter Three provides detailed guidance and specific strategies to read and analyze legal cases. Learning to read and analyze legal cases is fundamental to understanding how the law develops. A clear and concise guide to interpreting statutes and regulations is found in Chapters Four and Five.

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1. Simon Sinek, David Mead, & Peter Docker, *FIND YOUR WHY: A PRACTICAL GUIDE FOR DISCOVERING PURPOSE FOR YOU AND YOUR TEAM* (2017).

This book provides a solid foundation for students who want to gain knowledge of the law for current or future employment. Many employees, in a wide variety of employment sectors, would benefit by expanding their legal knowledge. Most also recognize the importance of learning to express complex legal issues clearly and convincingly.

There are other texts that provide guidance on legal studies. Two important things separate this book from many others. One is its focus on regulatory law. The reason for this focus is best explained by Professor Kevin M. Stack:

We live in an era of regulation, but our jurisprudence has fallen behind. Despite the central place that regulations occupy in our law, their interpretation has garnered little focused consideration, especially in comparison to the lavish attention devoted to statutory interpretation.<sup>2</sup>

It is this era of regulation that makes the study of regulatory law vitally important to the master of legal studies student. Much of the law that demands compliance in the workplace requires an in-depth knowledge of regulatory law. Chapter Five, therefore, provides focused consideration of regulatory law.

The other notable distinction in this text is its heavy emphasis on writing. Many business leaders, business magazines, and business schools rank skillful writing among the most important qualities in predicting job success and security. A 2018 FORBES article titled *Why Mastering Writing Skills Can Help Future-Proof Your Career* highlighted the following study: “[A]ccording to a Conference Board survey of 431 human resources professionals, writing is one of the biggest employee skill gaps.”<sup>3</sup>

Another study echoes the employer call for employees with good writing skills:

Recent research proves that written communication skills are at the top of employers’ wish lists. According to the National Association of Colleges and Employers, 73.4% of employers want a candidate with strong written communication skills. Written communication was the number three most desired quality overall, behind leadership skills and ability to work as a team member.<sup>4</sup>

This book, therefore, provides three chapters on writing. Chapter Six explains how to produce good writing. Chapter Seven presents the characteristics of legal writing and analysis. Chapter Eight sets forth the qualities of good business writing.

Finally, Chapters Nine and Ten address ethics and the unauthorized practice of law.

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2. Kevin M. Stack, *Interpreting Regulations*, 111 MICH. L. REV. 355 (2012).

3. G. Solomon, *Why Mastering Writing Skills Can Help Future-Proof Your Career*, FORBES (2018, August 9). The Conference Board, established in 1916, is a business organization with many business members in over sixty countries. It regularly conducts business-related research.

4. K. Moore, *Study: 73% of Employers Want Candidates with This Skill*, INC.COM (2016, April 7) (emphasis added).

## The Master of Legal Studies Degree

Let's take a minute to think about what you plan to do with this education. Whether you are a human resource specialist, a risk manager, a compliance officer (and the list goes on), it is advantageous for you to be familiar with the law that governs your profession. Below you will find a list of just a few professionals who could benefit from a master of legal studies degree.

- Accountant
- Bank official
- Chief executive officer
- Chief financial officer
- Chief operating officer
- Compliance specialist
- Contract administrator
- Financial consultant
- Head nurse
- Hospital administrator
- Human resource manager, analyst, generalist
- Paralegal
- Portfolio manager
- Pharmacist
- Physician
- Police officer
- Policy analyst
- Real estate agent
- Risk manager
- Social worker

Whatever your profession, *ESSENTIAL LEGAL KNOWLEDGE AND WRITING SKILLS: FOUNDATIONS OF LAW FOR EVERY PROFESSION* will give you an edge in the classroom and the workplace. The material presented, the granular, step-by-step guidance, and the exercises included in each chapter provide the education you need on your road to legal literacy. The text also incorporates student feedback and lessons learned in the authors' combined thirty years of experience teaching legal masters students. We use this experience to provide a straightforward, valuable, and, dare we say, enjoyable learning experience.

Finally, this degree holds several different titles: master of jurisprudence, juris master, master of legal studies, master of science in law, and likely others. Throughout this text we use the term master of legal studies, but we are referring to all these degrees. Regardless of the degree you are seeking and the specific focus of your program, the foundation and knowledge that you need to succeed are the same. This textbook provides you with that knowledge and foundation, and our hope is that it also provides inspiration as you focus on the law.