

Legal Writing in Context

Legal Writing in Context

SECOND EDITION

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Prologue

In this text, you will learn to think deductively and analogically. You will learn to distill the holdings of multiple cases into a coherent legal rule. You will learn to craft a compelling narrative. You will learn how legal rules can sometimes (but not always) control the outcome of cases. And you will learn the importance of context, how rules and cases sit within a larger historical, societal, and political moment that can have broad influence on outcomes.

All of these ideas have rich and deep theoretical groundings. You will learn those foundations, too, because to practice law brilliantly and eloquently is to adopt new approaches and present new lines of thought. To be effective and creative, you must know why the approaches to reasoning and communication we advocate here work. That will help you to know when deviation from those approaches is justified.

To teach you these foundations, we have mined the writings not only of our fellow legal writing professors, but also legal theorists, cognitive psychologists, and philosophers. The end result (we hope) is a book that not only provides a guide to effective legal reasoning and communication, but also shows why the suggestions made in this book work well (and notes where others may disagree with the strategies set forth here).

A good lawyer can apply well-established legal rules to new sets of facts. A great lawyer can advocate for the evolution of those rules and recognize when a changing society requires a new approach. This book's aim is to teach you to be good, and set you on the path to being great.

