

**AN INTRODUCTION TO LAW,  
LAW STUDY, AND THE  
LAWYER'S ROLE**



**AN INTRODUCTION TO LAW,  
LAW STUDY, AND THE  
LAWYER'S ROLE**

FOURTH EDITION

**James E. Moliterno**

VINCENT BRADFORD PROFESSOR OF LAW  
WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW

**Fredric I. Lederer**

CHANCELLOR PROFESSOR OF LAW AND DIRECTOR  
CENTER FOR LEGAL AND COURT TECHNOLOGY  
WILLIAM & MARY LAW SCHOOL



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*To Professor Moliterno's children*

*and*

*To Alyssa and Caryn Lederer, who choose to serve, each in her own way,  
women of valor, competence, heart, and honor, who stand forever  
as their proud father's role models.*



# CONTENTS

Preface	xiii
<b>1 • The Beginnings</b>	<b>3</b>
<b>2 • The Profession</b>	<b>13</b>
<i>Valdez v. Alloway's Garage</i>	13
Introduction	21
A Profession	22
Lawyers' Duties	24
Governing Ethical Rules and "Obedience to the Unenforceable"	25
Self-Governance	34
The Profession at Present: Service vs. Profit	35
<b>3 • The Nature of Law</b>	<b>39</b>
The Scenario	40
The First Homicide	41
The Facts	41
Issue	41
Assumptions	41
Discussion	41
The Problem	43
The Second Homicide	48
The Facts	48
Issue	48
Discussion	48

The Third Homicide	52
The Facts	52
Issue	53
Discussion	53
A Digression	57
The Fourth Homicide	58
The Facts	58
Part One	60
Issues	60
Discussion	60
How Do You Rule, Your Honor?	62
Part Two	64
Assumption	64
Procedural Posture	65
Issues	65
Discussion	65
The Fifth Homicide	69
Assumption	69
The Facts	69
Issues	70
Discussion	70
Conclusion	73
<b>4 • Law as a Literary Profession: The Writing of</b>	
<b>Law Students and Lawyers</b>	<b>75</b>
The Need for Precision	76
Good Legal Writing Is Simply Good Writing	77
Writing in Law School	79
The Casebrief	81
<i>In the Supreme Court of the Planet of Bryan</i>	82
Sample Casebrief #1	87
Sample Casebrief #2	88
Briefing Cases, an Introduction	90
Parts of the Casebrief	92
<b>5 • Common Law Development and the Classroom Experience</b>	<b>99</b>
<i>Seixas v. Woods</i>	101



<i>Thomas and Wife v. Winchester</i>	104
<i>Loop v. Litchfield</i>	112
<i>Losee v. Clute</i>	116
<i>Devlin v. Smith</i>	120
<i>MacPherson v. Buick Motor Co.</i>	124
Case Analysis Reprised: Examinations	142
Sample Examination Question	142
Sample Examination Answer	143
<b>6 • A Return To Judicial Interpretation</b>	<b>145</b>
<i>People v. Gibbons</i>	146
<b>7 • Law Library Survival</b>	<b>161</b>
Legal Research	161
The Law Library	162
Library Survival: Citations	163
Illustrative Citations	166
Court Opinions	166
Law Review Articles or Periodicals	166
Treatises or Hornbooks	166
<b>8 • Client Service</b>	<b>167</b>
Introduction	167
Interviewing Clients, the Beginning of Client Service	168
Icebreaking	170
Overview	170
Gap Filling	172
Response	173
Closing	174
An Example of Client Service	175
An Interview with Pat Marshall	175
An Assignment	180
<i>Moliterno, Levy &amp; Lederer</i>	181
<i>In the Supreme Court of Wythe</i>	182
<i>In the Supreme Court of Wythe</i>	184
<i>In the Supreme Court of Wythe</i>	186
<i>In the Supreme Court of Wythe</i>	189

<i>In the Supreme Court of Wythe</i>	192
<i>An Intraoffice Memorandum of Law: Moliterno, Levy &amp; Lederer</i>	194
<i>A Client Letter: Moliterno, Levy &amp; Lederer</i>	198
<b>9 • Law School</b>	<b>201</b>
First, Legal Education's Goal, or, "Why <i>Isn't</i> There an Answer?"	201
Second, the Caveat	205
The Basic Structure	205
Accreditation	205
Governance	206
Curriculum; Requirements; Specialization	206
Law School Peers, Grades, and Competition	209
Working	211
Housing	212
Class	213
The Socratic Method and Related Topics	214
Avoiding Being Called On	216
Technology	217
Study and Class Preparation	217
Examinations	219
Grades	220
Failure and Its Consequences	221
Law Reviews, Moot Court, and Other Activities	222
Personal Life and Family	224
Placement and Its Effects	224
Placement's Other Effects	225
Summer Positions	227
Personal Technology	228
A Closing Note	229
<b>10 • The Interrelationship Between Law School     and Law Practice</b>	<b>231</b>
Law School	231
Ethics and Competence	232
And What Type of Lawyer Do You Want to Be?	236

<b>Appendix</b>	<b>239</b>
<i>Seixas v. Woods</i>	239
<i>Thomas v. Winchester</i>	243
<i>Loop v. Litchfield</i>	246
<i>Losee v. Clute</i>	249
<i>Devlin v. Smith</i>	252
<i>MacPherson v. Buick Motor Co.</i>	255



## PREFACE

Lawyers perform and fill many roles in our society; some of those are regarded as socially valuable and others are not. Even among those favorable roles there is wide variety. Lawyers are business people; learned, intellectual professionals; helping professionals; professional writers; people of moral influence; producers of justice; advocates; and counselors. The lives of many lawyers are a complex mesh of all these roles; others have chosen to emphasize one or several of these roles to the point of nearly extinguishing the others. In part, this book is meant to introduce you to some of these roles and their interrelationships, and to help you begin, should you so desire, the difficult process of weaving your own unique cloth.

This book is intended primarily for those who are interested in learning what law is and how law students become lawyers. However they see themselves or are seen by others, nearly all lawyers do have one thing in common: they were all once beginning law students. For those who plan to attend law school this book is meant to make that potentially horrifying time much less so. In doing so, we will introduce you to a number of skills that are critical to law students, such as opinion reading and briefing, classroom participation, writing, and interpersonal relations. If there is any efficacy to legal education as a preparation for the practice of law, as we think there can be when well-designed, you would expect that these same skills would be as useful to lawyers as to law students. Happily that is the case. As a result, what you learn today as a student of the law will be valuable to you as a lawyer as well.

Our fundamental goal is to provide you with some early insight into what law is. Thinking early about the nature of law itself should help those of you who are or will be law students better understand your law school course work and enrich your life as a lawyer.

Although changing, legal education remains primarily a study of appellate court opinions. Those opinions, rendered by judges who have never seen the parties to the disputes being resolved, are distant from the facts that underlie the dispute, the parties' original interests, and the early lawyering functions that began the process of dispute resolution. Because the study of appellate opinions all too often occurs in academic isolation, students may fail to see or appreciate the legal and pragmatic consequences that flow from the lawyer's representation of the client. We hope that this book will aid your study and understanding of the law and those appellate court opinions by providing you with a perspective on the beginnings of the process that is not apparent from reading opinions alone.

Finally, though not unimportantly, this book may provide special insights into the law school world that are valuable for anyone considering entry into the field. We hope that an undergraduate student, knowing what to expect from the law school experience, will be better positioned to make informed career choices.

We believe that any given piece of writing must be written with both its intent and its audience in mind. As a result, in writing this introductory book we have, quite consciously, attempted to make it easy reading. To accomplish this goal, we have chosen an informal prose style without the multitude of citations and footnotes customary to formal legal writing. We hope that you will not be disappointed with their absence.

This book is an outgrowth of the Introductory Week of the William & Mary Law School's Legal Skills Program which the authors helped develop. The program operated and served students well for about 25 years starting in 1988. As such, it is impossible to individually thank all the people who have contributed directly and indirectly to this text. At the risk of omission, we would like to particularly note John Levy, Patty Roberts, Allen Black, Laura Dahl, Lizbeth Jackson, Paula Sinozich, Jane Taylor, and Kaitlyn Hyun.

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