

Summary:

Like the popular earlier editions, the fourth edition of *A Lawyer Writes* provides an in-depth methodical approach to thinking, and writing, like a lawyer. The text first provides context concerning how lawyers communicate in writing by placing the reader in the role of a first-year attorney faced with real-life assignments. Coupled with insightful, annotated examples, the text provides readers with a step-by-step guide to developing a legal analysis and then transforming it into an objective memo, e-mail, and client letter. Finally, the text instructs students about the basics of advocacy, specifically how to convert an objective analysis into a persuasive brief. With straightforward advice, informative graphics, and an accessible layout, this text is useful to students who want to succeed in the classroom and during their summer internships, as well as to practicing lawyers who may want to hone their skills.

Detailed overview:

A Lawyer Writes puts the reader in the place of a first-year attorney faced with real-life assignments. In doing so, it teaches law students not only how to succeed in law school, but also how to succeed in the practice of law. Using graphics and visual samples that demonstrate both effective and ineffective analytical techniques, this updated edition illustrates best practices for objective legal analysis and provides an overview of the transition from objective to persuasive writing.

The content and examples in the fourth edition have been supplemented and updated to create an easy-to-use, step-by-step approach for learning legal analysis and legal writing. The organization of the fourth edition, like the earlier editions, uses the same order in which students will typically perform tasks to order the book's content, thus making it easy for professors to adopt. Below is a summary of the fourth edition of *A Lawyer Writes*, which highlights the primary updates between the third and fourth editions.

Chapter 1, *How Attorneys Communicate*, places the reader in the role of a first-year attorney faced with real-life assignments. In doing so, it provides the reader with an overview of how lawyers communicate and **provides updated examples** to more specifically identify and explain the various components of a typical legal argument.

Chapter 2, *Sources and Systems of the Law*, provides the reader with an overview and updated examples of different types of legal authorities, as well as foundational legal concepts, including federalism, hierarchy of authority, and jurisdiction. **Chapter 2 has been minimally updated.**

Chapter 3, *Reading for Comprehension*, describes best practices for reading judicial opinions and statutes both in the classroom and in practice. The chapter explains the different components of judicial opinions and statutes and provides a step-by-step guide to reading these documents critically. In addition, **Chapter 3 now provides readers with new content concerning case briefing for doctrinal classes.** This new content further discusses similarities and differences in reading techniques and emphasizes the need for the legal writer to attain a

deep understanding of the applicable legal doctrine to effectively draft an objective memorandum.

Chapter 4, *Finding Your Arguments*, provides the reader with more guidance on identifying and inventorying the governing rule and dividing it into legal arguments. **Chapter 4 has been significantly revamped.** It contains new content and examples on identifying and strategically organizing legal analyses, including elemental analyses, factor tests, and totality of the circumstances tests.

Chapter 5, *Organizing Your Legal Authority*, sets forth a detailed approach to notetaking and charting legal authorities to move the reader forward to the writing process. **Chapter 5 has been revised.** It now provides a closer connection to Chapter 4, *Finding Your Arguments*. Chapter 5 helps the reader bridge the gap between organizing legal authority and preparing to communicate an objective legal analysis in writing.

Chapter 6, *One Legal Argument*, provides an overview of how to construct a single legal argument by explaining common techniques or mnemonics to assist in drafting a legal argument. Similar to Chapter 1, *How Attorneys Communicate*, Chapter 6 provides a foundation so students can more effectively deep-dive into the heart of written legal analysis—explaining the law and applying the law. **Chapter 6 has been minimally updated.**

Chapter 7, *Explaining the Law*, provides the reader with instructions concerning crafting various kinds of rules and case illustrations and citing and avoiding plagiarism. **In addition to updated text and examples, the content has been revised, supplemented, and restructured.** Chapter 7 includes new content on ethically and effectively relating the facts in case illustrations, citing, and avoiding plagiarism. It also considers the current role of generative AI in legal practice.

Chapter 8, *Applying the Law*, breaks the critical task of applying the law to the client's facts into manageable information segments, with a focus on rule-based and analogical reasoning. **Along with other updates, this chapter has been revised and is now organized into five sub-sections with more significant content changes in the following sections:**

- Section 8.1, *Rule-Based Reasoning*, has been updated to emphasize the importance of including a thesis or point sentence when beginning a rule-based application.
- Section 8.3, *Using Analogical and Rule-Based Reasoning Together*, consolidates advice about using rule-based and analogical reasoning together.
- Section 8.4, *Counter-Analyses* provides the reader with new content for a detailed step-by-step approach, with corresponding examples, for constructing effective counter-analyses.

Chapter 9, *Beginning and Ending One Legal Argument*, has been renamed and revised. It now focuses the reader on the ultimate conclusions that begin and end a legal argument. This chapter, which also **contains new effective and ineffective examples, has been streamlined.** It focuses on techniques to state and then remind the legal reader of the point the

writer is exploring in the legal analysis and how to explain the legal writer's degree of certainty concerning the legal analysis.

Chapter 10, *Policy*, continues its focus on helping the reader to identify and incorporate relevant policy arguments that can strengthen legal analysis and enhance creativity. **Chapter 10 has been minimally updated.**

Chapter 11, *Statutory Analysis*, provides the reader with in-depth instruction on statutory interpretation, understanding various states' statutory interpretation methodologies, and using canons of construction to aid interpretation. It also advises the legal writer on techniques to use when drafting a statutory analysis. **Chapter 11 has been minimally revised and updated.**

Chapter 12, *The Discussion Section: Introducing and Connecting Legal Arguments*, explains how to construct effective roadmap paragraphs, sub-roadmaps, and point headings to aid legal readers in understanding and retaining written legal analysis. **In addition to updates and new examples, Chapter 12 contains new content.** Specifically, it now provides text and examples for legal arguments that contain multiple dispositive legal issues and adds new material on crafting contemporary point headings.

Chapter 13, *Questions Presented and Brief Answers*, has been reorganized and examples have been added or updated. Chapter 13 provides instruction and examples concerning how to effectively structure a Question Presented, using a variety of styles (including the Under, Does, When format and the Statement and Question format). This chapter also provides instruction on effectively drafting a Brief Answer.

Chapter 14, *Statement of Facts*, focuses on techniques to effectively tell the client's story as it relates to the legal issue being analyzed. **In addition to other updates, this chapter now has new content and techniques** concerning how to craft legally significant facts and avoid legal characterizations.

Chapter 15, *Conclusions to the Memorandum*, provides effective and ineffective examples when crafting this final section of the objective memo. This chapter also provides instruction when using this conclusion section to provide the legal reader with action items, including a need for further information. **Chapter 15 has not been revised.**

Chapter 16, *Editing and Polishing*, guides the reader on the importance of, and techniques for, substantively editing and then, as a separate task, polishing the memo before it is submitted to a senior partner. It also includes a detailed editing checklist, as well as guidance for students in creating their own customized editing checklist. **Chapter 16 includes a moderate number of textual revisions.**

Chapter 17, *Client Letters*, focuses on transforming objective legal analysis into a letter for a client. **Chapter 17 includes new content** concerning different types of letters that lawyers often write to clients, including engagement, non-engagement, transmittal, requesting or sending information, status, demand, opinion, and disengagement letters.

Chapter 18, *Professional Emails*, provides best practices for communicating with clients and others via email. **Chapter 18 has been minimally revised.**

Chapter 19, *The Transition from Objective to Persuasive Writing*, sets forth an overview for converting analysis into advocacy. Its focus is transitioning a legal analysis in an objective memo into a legal argument in a persuasive brief. **Chapter 19 has been minimally revised.**

In addition to the chapters, **the Appendix has been significantly revised and updated** to provide a more in-depth focus on the effective and ineffective memo samples, along with a **new complex memo sample that guides a factor analysis.**

Overall, the content in this edition of *A Lawyer Writes* has been substantially revised to provide detailed coverage of the process of legal analysis and objective writing in a practical and accessible format. Like its predecessors, the fourth edition aims to provide clear and concrete instructions about each facet of legal analysis, using the same order students will follow when performing the tasks in legal practice. The textbook also provides the relevant theory and background behind the choices attorneys make in their legal writing, enabling students to transfer those techniques to future settings. Speaking to its readers in a straightforward manner, *A Lawyer Writes* communicates essential skills and theories students can use throughout a lifetime of legal practice.