

The Craft of Legal Reasoning

BRIAN L. PORTO



**THE CRAFT OF
LEGAL REASONING**

Craft Of Legal Reasoning

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Craft Of Legal Reasoning:

The Craft of Legal Reasoning Brian L. Porto, Calvin C. Jillson, 1998 Ideal for courses in constitutional law judicial process and politics or law and society this book prepares undergraduates for case analysis and debate by providing systematic instruction in legal language and the legal method The book includes numerous case examples of the legal method in operation which allow students to learn the legal method prior to analyzing cases on their own Three helpful appendices explain the structure and jurisdiction of state and federal courts list the federal appellate circuits and explain how and where to find the legal sources cited in the book A comparison of common law and civil traditions shows the unique roots of American law and the values that continue to shape it Back cover The book is designed for advanced undergraduates but beginning law students will also find it useful Pref *Force of Logic* Stephen M. Rice, 2017-05-03 Have you ever read a legal opinion and come across an odd term like the fallacy of denying the antecedent the fallacy of the undistributed middle or the fallacy of the illicit process and wondered how you missed that in law school You're not alone every day lawyers make arguments that fatally trespass the rules of formal logic without realizing it because traditional legal education often overlooks imparting the practical wisdom of ancient philosophy as it teaches students how to think like a lawyer In his book *The Force of Logic Using Formal Logic as a Tool in the Craft of Legal Argument* lawyer and law professor Stephen M Rice guides you to develop your powers of legal reasoning in a new way through effective tips and tactics that will forever change the way you argue your cases Rice contends that formal logic provides tools that help lawyers distinguish good arguments from bad ones and moreover that they are simple to learn and use When you know how to recognize logical fallacies you will not only strengthen your own arguments but you will also be able to punch holes in your opponent's and that can make the difference between winning and losing In this book Rice builds on the theoretical foundation of formal logic by demonstrating logical fallacies through the use of anecdotes examples graphical illustrations and exercises for you to try that are derived from common case documents It is a hands on primer that presents a practical approach for understanding and mastering the place of formal logic in the art of legal reasoning Whether you are a lawyer a judge a scholar or a student *The Force of Logic* will inspire you to love legal argument and appreciate its beauty and complexity in a brand new way **The Multifacetedness of Reasonableness in Legal and in Political Theory** Michele Mangini, 2025-10-14 This book offers a complete overview of the complex topic of reasonableness Ranging through ethics political theory and legal theory the author shows how reasonable is an unescapable evaluative term One uses this concept to evaluate positively or negatively it is unreasonable both our conduct and that of others However we are often not aware of the presuppositions behind our use of the concept Especially the legal use both in civil and in common law reveals a large variety of meanings and the so called multifacetedness of reasonableness In an age in which the environmental crisis or global climate change threatens our style of life we badly need criteria of evaluation that we all can share This book therefore provides a unitary conception that

connects to the ethics of virtues as the fabric that links the many uses of the reasonable **It's All in the Game** Allan C. Hutchinson, 2000-01-24 The author argues for an understanding of judging that rejects foundationalism the effort to ground legal thought on something attempts to carve out a middle way between formalist and the political visions of law and offers a reconceptual **The Vermont Bar Journal & Law Digest**, 1998 **Legal Reasoning and Legal Writing** Richard K. Neumann, 1998 A revision of Neumann's very successful basic legal writing text this edition continues to give a strong foundation in legal analysis and to writing while refining and further improving the text based on user's responses The text focuses on constructing a proof of a conclusion of law and teaches format style and grammar alongside the reasoning skills Chapter 9 How to Organize Proof of a Conclusion of Law Is widely regarded as the best explanation of this topic in any legal writing text The goal is to help students learn how to make writing decisions based on the need to prove analysis Of special interest are chapters on client interviewing and client letters sample client letters An updated citation quotation chapter to reflect changes in the 16th Edition of the Blue Book sections that show students how to convert their raw materials into an organized first draft and explanations on the process of writing in detail and in many contexts Combining clear readable text with effective sample documents and exercises Neumann has succeeded in creating a sophisticated yet accessible text carefully crafted for beginning legal writers Table of Contents Preface Acknowledgments PART I INTRODUCTION TO LAW AND ITS STUDY 1 An Introduction to American Law 1 1 the Origin of Common Law 1 2 How American Courts Are Organized 1 3 an Overview of the Litigation Process 1 4 the Importance of Understanding Procedure 1 5 the Adversary System 2 Rule Based Reasoning 2 1 the Inner Structure of a Rule 2 2 Organizing the Application of a Rule 2 3 Some Things to Be Careful About with Rules 2 4 Causes of Action and Affirmative Defenses 2 5 Where Rules Come From Sources of Law 3 An Introduction to Judicial Opinions 3 1 the Anatomy of an Opinion 3 2 the Interdependence Among Facts Issues and Rules 4 Briefing Cases 4 1 Introduction 4 2 How to Brief a Case PART II INTRODUCTION TO LEGAL WRITING 5 The Art of Legal Writing 5 1 the Language as a Professional Tool 5 2 Your Writing and Your Career 5 3 Predictive Writing and Persuasive Writing 5 4 the Art Forms of Legal Writing 6 The Process of Writing 6 1 Writing in Four Stages 6 2 Analyzing 6 3 Organizing 6 4 the First Draft 6 5 Rewriting 6 6 Some General Advice about Writing PART III OFFICE MEMORANDA 7 Office Memoranda 7 1 Office Memorandum Format 7 2 Writing an Office Memorandum 8 Initially Obtaining the Facts Client Interviewing 8 1 Introduction 8 2 Lawyers and Clients 8 3 How to Interview 9 Predictive Writing 9 1 How to Predict 9 2 How to Test Your Writing for Predictiveness 10 How to Organize Proof of a Conclusion of Law 10 1 A Paradigm for Structuring Proof 10 2 Why Readers Prefer This Type of Organization 10 3 How to Vary the Paradigm to Suit Your Needs 10 4 How to Start Working with the Paradigm 10 5 How to Test Your Writing for Effective Organization 11 Selecting Authority 11 1 Introduction 11 2 the Hierarchy of Authority 11 3 How Courts Use Dicta 11 4 How Courts React to Foreign Precedent 11 5 How to Use Foreign Precedent and Other Nonmandatory Authority to Fill a Gap in Local Law 11 6 How to Select

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How to Brief a Case John Delaney,1987 *The Supreme Court and Constitutional Theory, 1953-1993* Ronald Kahn,1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy *Symposium* ,2009 Words That Bind John Arthur,2018-02-12 Words That Bind presents a careful and nuanced treatment of constitutional interpretation and judicial review By bringing constitutional theory and contemporary political philosophy to bear on each other John Arthur illuminates these topics as no other recent author has Forthcoming Books Rose Arny,1998 *Criminal Law* John Delaney,1986 *The Politics of Law* David Kairys,1990 **The Northern Ireland Legal Quarterly** ,1999 The Principle of Systemic Integration in International Law Campbell McLachlan KC,2024-06-24 International law has greatly expanded in reach and density over the past few decades and its fragmented and decentralized nature is causing anxiety among those who need to resolve legal dilemmas in a system that lacks vertical hierarchy Although the principle of systemic integration is embodied in Article 31 3 c of the Vienna Convention 1969 its operation and significance has not been fully assessed The Principle of Systemic Integration in International Law fills this research gap by analysing the manner in which the principle has been applied in the judicial decisions of international courts and tribunals together with the practice of states and international organizations in the framing of international instruments and their application Building upon the framework he first pioneered in 2005 and the culmination of two decades of academic research and practical experience in international law the author Campbell McLachlan KC closely examines legislative texts and cases to reflect on the principle s theoretical foundations and actual application in practice The book argues that the principle of systemic integration contributes to an orderly framework within which conflicts between institutions and between legal norms may be addressed It explores how disparate parts of international law are integrated in the development of bilateral and multilateral treaties and finally analyses the operation of the principle in international courts and tribunals The reasoning and larger questions presented by the book will bring fresh insights to researchers and practitioners undertaking any international law project

Summary of Research on the Multistate Bar Examination Stephen P. Klein,1993 A comprehensive independent analysis of the reliability validity fairness and other important features of the Multistate Bar Examination MBE based on data from past research and several new studies **Law, Society and Culture in the Maghrib, 1300-1500** David S. Powers,2002-09-30 Focusing on the Maghrib in the period between 1300 and 1500 in this 2002 book David Powers analyses the application of Islamic law through the role of the mufti To unravel the

sophistication of the law he considers six cases which took place in the Marinid period on subjects as diverse as paternity fornication water rights family endowments the slander of the Prophet and disinheritance The source for these disputes are fatwas issued by the muftis which the author uses to situate each case in its historical context and to interpret the principles of Islamic law In so doing he demonstrates that contrary to popular stereotypes muftis were in fact dedicated to reasoned argument and sensitive to the manner in which law society and culture interacted The book represents a groundbreaking approach to a complex field It will be read by students of Islamic law and those interested in traditional Muslim societies

Michigan Law Review ,1927 **The Green Bag** ,1909 Includes index 1 v *Judicial Craftmanship at the Supreme Court* Jack Green Musselman,2000

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