Books & First Week Assignments

Below are the required books and assignments for the first week, from Tuesday, Aug. 22 to Thursday, Aug. 24. I’ll give you a complete syllabus on the first day of class.

For the first three weeks of class, you’ll need only the first two books. You’ll also need three handouts, which are posted as separate files. Two of the handouts related to reading and briefing cases. The third relates to New York’s burglary statute. The burglary handout includes the burglary statute, several court decisions, instructions for your first memo assignment, and two separate sets of facts – one for class discussion, the other for Memo #1.

Other than reading, you have one assignment before class begins – a short, ungraded essay arguing whether a camping tent is a “building.” You’ll find instructions below. You should do the essay before the reading – the essay is intended, in part, to help you see how the way lawyers think is similar to and different from what you’d ordinarily do. Please do your essay in Microsoft Word and submit it by email no later than noon on Monday, Aug. 21. Make sure you include your name at the beginning of the essay so I know how you are when I read it.

My email address is sjpaskey@buffalo.edu. If you have questions before class begins, feel free to contact me. I will be travelling from Aug. 10 to Aug. 20 and will have limited internet access, but I’ll do my best to answer questions when I can.

REQUIRED BOOKS

The required books can be purchased from the bookstore or online sources, including the publisher and Amazon.com. Be sure you have the latest edition. You can rent the legal analysis book for one semester if you wish, but you’ll need the other books in the spring.


You must also purchase a legal citation manual. There are two options:


The two books follow the same citation rules, but I strongly recommend the ALWD Guide. ALWD is clearer, better organized, and easier to use, and most of my prior students prefer it.

If you don’t try out for law review, there’s no reason you need a Bluebook instead of the ALWD Guide, for either law school or practice. In fact, the rules for practice are now available for free as the “Indigo Book.” See: https://law.resource.org/pub/us/code/blue/IndigoBook.pdf But for class, you can’t rely on the Indigo Book alone for school – it doesn’t include the rules for academic citations, which are a bit different from the rules for practice.

If you try out for Buffalo Law Review, the editors won’t allow you to use anything other the Bluebook for their citation test. Thus, you have two options. The first is to buy the Bluebook now and use it throughout the year. The second is to buy the ALWD Guide now, then buy the Bluebook in the spring. In previous years, students who’ve used both books did well on the test and felt it gave them an advantage. If you do this, I very strongly recommend that you buy a Bluebook in January. Do not wait until a few weeks before the test.

Finally, if you use only the Bluebook and not ALWD, I strongly recommend that you purchase the following guide to help you understand the Bluebook:


FIRST WRITING ASSIGNMENT

In every state, the law of burglary makes it a crime for a person to knowingly enter a building illegally with the intent to commit a crime inside. But how do we decide whether something is or is not a “building”?

Imagine a large camping tent – 10 feet by 16 feet. The frame is made of aluminum; the walls, floor, and roof are made of nylon. The tent has screen windows and a zipper door. People engage in all sorts of activities inside: they sleep, play games, read, or even cook meals.

Suppose this tent is set up in a state park. While the owners are gone for the day, someone steals their sleeping bags and other gear. Did the thief commit burglary? There’s no question the thief entered the tent illegally and committed a crime inside. Thus, the answer depends entirely on whether the tent is a “building.”
For your first writing assignment, please write a 400- to 600-word essay on why the tent either is or is not a building. Pick a side, and make your case.

There’s one catch: I want you to do this without looking at any legal materials. In other words, make your case using the common-sense arguments a layperson would use. Don’t look at statutes, cases, or any discussion of the law of burglary.

The assignment is ungraded: it’s intended to give me a first look at how you write and think. It’s also intended to help you see how arguments a lawyer would make are similar to or different from a layperson’s way of thinking. Here are a few questions to help you develop your argument:

1. What’s the dictionary definition of “building”? Does a camping tent satisfy that definition? Why or why not?

2. List several things you’d consider to be a “good example” of a building – examples no one could seriously argue with. What do they have in common?

3. How is the tent similar to or different from the buildings you listed for question 2? Do the similarities or differences matter? Why or why not?

4. In New York state, the maximum sentence for burglary is 15 years, while the maximum for petty theft is a year or less. As a society, why do we do that? Would it serve the purposes of this rule to treat the tent as a building? Why or why not?

5. What’s the strongest argument against your conclusion, and why is it wrong?
**FIRST WEEK CLASS ASSIGNMENTS**

Below are the reading assignments for the first week of class. As noted above

**TUES., Class 1 Introduction to the Course, Legal Writing, & the U.S. Legal System**

WRITING Read pages xix-xx, 3-32 (introduction; how lawyers communicate; sources & systems of law)

ANALYSIS Read pages 3-17 (foundations of legal analysis)

☛ *Be prepared to discuss whether, from a layperson’s viewpoint, a camping tent is a “building”*

**WED., Class 2 The Structure of Legal Rules**

WRITING Read pages 57-66 (finding your argument)

ANALYSIS Read pages 21-33 (rules)

HANDOUT N.Y. Burglary Materials – Read the statute & the facts for People v. Welty

☛ *Be prepared to discuss the statute and facts for People v. Welty*

**THUR., Class 3 Reading & Briefing Cases; Avoiding Plagiarism**

WRITING Read pages 33-56 (reading for comprehension)

HANDOUTS How to Read a Case; Briefing Cases

BURGLARY Review statutes & the facts for People v. Moran; read two cases carefully: People v. King and People v. Eichmann

☛ *For People v. King and People v. Eichmann, write out two versions of the holding for each case – one broad, and one narrow -- and bring them to class. Also, be prepared to discuss the court’s reasoning.*