Books & First Week Assignments

Below are the required books and assignments for the first week, from Tuesday, Aug. 21 to Thursday, Aug. 23. I’ll give you a complete syllabus on the first day of class.

For the first three weeks, you’ll need the first three books. You won’t need a citation manual until later. You’ll also need the materials for Memo #1, which are posted as a separate PDF file. The file includes the New York burglary statute, court decisions, instructions for your first memo, 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 who you are when I read it.

My email address is sjpaskey@buffalo.edu. If you have questions before class begins, please contact me. I may be travelling from Aug. 10 to 20, but I’ll do my best to answer questions.

REQUIRED BOOKS

The following books are required. All are available from the publisher in print or digital formats; and from the bookstore or Amazon:


For Legal Writing, the publisher offers four options (including digital only or a rental), and all include lifetime digital access to the book and related materials. Some people prefer paper copies, but the digital version of Legal Writing is less expensive ($80 vs. $110) and saves trees.
Regardless of where you buy the book, be sure you have the latest edition. You should not rent *Legal Writing* for one semester, since we’ll use it again in the Spring.

You must also purchase a legal citation manual, though you won’t need it until after third week of class. There are two options:


The two books follow the same principles, 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 available for free as the “Indigo Book.” See: [https://law.resource.org/pub/us/code/blue/IndigoBook.pdf](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 law review, **the editors won’t let 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 January. (Don’t wait until later – you’ll need time to learn the format.) In previous years, students who’ve used both books did well on the test and felt it gave them an advantage.
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. But how do we decide if something is 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 zippered 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, and to help you see how the 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 essay:

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. Thus, the penalty for stealing something from inside a building is much higher than the penalty for stealing the same item from a fenced yard.

   As a society, why do we do that? Would it serve the purposes of this concern 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 reading assignments for the first week. The books are designated as follows:

WRITING Legal Writing
ANALYSIS Legal Analysis
READING Reading Like A Lawyer

TUES. *Introduction to the Course and Legal Rules

WRITING Read pages 1-31
ANALYSIS Read pages 3-33
HANDOUT Memo 1 Materials: Read the burglary statutes and both sets of facts

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

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

WED. * Introduction to Reading and Briefing Cases

WRITING Read pages 33-52
READING Read pages 3-49
HANDOUT Memo 1 Materials: Review the burglary statutes & both sets of facts; read two cases carefully: People v. King and People v. Eichmann

☛ For two cases -- King & Eichmann: (1) Write the rule and the holding and bring printed copies to class; (2) Be prepared to discuss the court’s reasoning.

THUR. * The Hierarchy of Authority & The U.S. Legal System; More on Working with Cases & Statutes

WRITING Read pages 53-96
HANDOUT Memo 1 Materials: Review both sets of facts and the statute, & read all cases

☛ Practice Assignment 1: Write a full brief for King and submit it by email no later than Saturday, Aug. 25 at 11:59 pm