

Introduction, Books, & First Assignments

INTRODUCTION

In two weeks, you'll begin your first year of law school. You've worked hard to get here; you'll work harder still before you're done; and I'm confident you'll make something good from the experience.

For both the fall and spring semesters, I'll be your professor for *Legal Analysis, Writing, and Research* (LAWR). Unlike classes that focus on a specific topic (for instance, the law of torts or contracts), LAWR is focused on fundamental *skills* you'll need as a practicing lawyer, regardless of what sort of practice you're engaged in.

In many ways, LAWR will be central to your success as a student, a lawyer, and an active member of your community. You'll learn to think, analyze, and write with clarity and precision. You'll learn to present your thinking in ways that conform to the expectations of judges and other lawyers. And you'll begin learning other essential skills, from legal research to negotiation and oral advocacy.

You can read more about me online, but I'll say a few things here. This is my sixteenth year of teaching legal writing. Before that, I worked for twelve years as a trial lawyer with the U.S. Department of Justice, where I litigated cases to deport men who assisted in Nazi persecution during World War II, including guards at Nazi death camps and members of Nazi killing squads. Over the past decade, I've had some of the best student evaluations of any professor at the law school. I'll bring everything I've learned to my work for this coming year, and will do my best to help you learn the skills you need.

If you have questions, you can reach me by email at sjpaskey@buffalo.edu . If you need to reach me *urgently* for any reason, please call or text my cell phone at 716-951-0121. (I rarely listen to messages on my office phone.)

I'm looking forward to this year and will see you soon.

Prof. Stephen Paskey

CLASS BASICS

Below are the required books and assignments for the first two weeks of class, from Tuesday, Aug. 23, to Wednesday, Aug. 31. I'll give you a full syllabus when class begins.

For the first three weeks, you need only the first two books and the burglary materials, which are posted as a separate PDF file. ***You should stay at least one day ahead on the reading, as we may begin Thursday's discussion late in class on Wednesday, and so on.***

You have one writing assignment before class starts – a short, ungraded essay arguing whether the vestibule of a camping tent is a “building.” The instructions are below. ***Please write this before you do the reading*** – in part, it's meant to help you see how “thinking like a lawyer” is similar to and different from how you'd usually think.

CLASS WEBSITE

I'll be using UBLearns to organize materials for the course. All handouts, PowerPoints, and other material will be posted there. You'll also find discussion boards for questions, announcement, and a “dropbox” to submit assignments. You should check UBLearns daily as soon as the law school gives you instructions on how to access it.

REQUIRED BOOKS

The following books are required, and all but the first one (*Legal Analysis*) will be used for both the fall and spring semesters. Electronic copies are available for free from the law library, and copies are also available from the publisher or Amazon in print and electronic editions.

[1] David S. Romantz & Kathleen Vinson, Legal Analysis: The Fundamental Skill (3rd edition 2020), Carolina Academic Press

- <https://cap-press.com/books/isbn/9781531011970/Legal-Analysis-Third-Edition>

[2] Christine Coughlin, et al., A Lawyer Writes (3rd edition 2018), Carolina Academic Press

- <https://cap-press.com/books/isbn/9781531008765/A-Lawyer-Writes-Third-Edition>

[3] Eric Voight, Legal Research Demystified (2nd edition 2022), Carolina Academic Press

- <https://cap-press.com/books/isbn/9781531021306/Legal-Research-Demystified-Second-Edition>

[4] Linda Barris, Understanding and Mastering the Bluebook (4th edition 2020), Carolina Academic Press:

- <https://cap-press.com/books/isbn/9781531019150/Understanding-and-Mastering-The-Bluebook-Fourth-Edition>

To access the free versions at UB's law library, use the link that follows and enter "Buffalolaw" when you're prompted for an access code. You can then search for books by title.

<https://research.lib.buffalo.edu/lexis-nexis-digital-library>

Finally, you'll need *The Bluebook* – a manual for legal citation. The book is available in print or electronic. If you plan to try out for law review, you'll need a paper copy. Please note that some copies on Amazon are *counterfeits* with serious errors. This is the official version:

- https://www.amazon.com/Bluebook-Uniform-System-Citation-21st-dp-0578666154/dp/0578666154/ref=dp_ob_title_bk

You can buy it directly from the publisher, but with shipping the price is higher than Amazon:

- <https://www.legalbluebook.com/>

Regardless, you don't need the Bluebook now, since we won't begin to cover citation until at least late September. But order a copy soon so you have it when you need it.

CORE GRAMMAR FOR LAWYERS

In addition to the books, you must buy a subscription to Core Grammar for Lawyers ("CGL"), an on-line tool that will help you improve your skills in grammar and punctuation. During the fall semester, you'll take the pre-test, complete the lessons, and then take the post-test.

The syllabus will give you further details. For now, please sign up and take the pre-test no later than Sunday, August 27 – but don't worry about your score. The pre-test has no impact on your grade, and if you do well on some parts of the test you can "test out" of some lessons.

Below are instructions to purchase and activate a one-year subscription to GGL:

- a. Go to <http://coregrammar.com/getcgl>.
- b. Complete the form. Select "New York" for the state and "University at Buffalo School of Law" in the school field.
- c. On the payment page, enter "**BUFF2022**" in the Access Code field.
- d. Enter your credit card information, verify the purchase, and continue on to create your CGL account.
- e. Enter "**322-162-2554**" in the Class Code field.
- f. You will then be able to start using CGL immediately.

GRADING IN GENERAL

Your grade for the fall will be based primarily on three legal memos, a research assignment, and your final score on the post-test for Core Grammar. While I strongly encourage class participation, you won't be graded on that. The syllabus will give further details.

FIRST UNGRADING WRITING ASSIGNMENT

The law of burglary makes it a crime for a person to knowingly enter a **building** unlawfully with the intent to commit a crime. But how do we decide if someone has "entered" a "building"?

Imagine a large camping tent. The frame is aluminum; the walls, floor, and roof are nylon. The tent has screen windows and a zippered nylon door. It also includes a "vestibule" – essentially, a screened "porch." The vestibule has a nylon roof, screened walls, and a zippered screen door, but no "floor." It's separated from the rest of the tent by the nylon door.

this tent is set up in a state park, and the owners sleep in it. While the owners are gone for the day, someone steals gear **from the vestibule**, but doesn't enter the rest of the tent. The vestibule was zipped shut and fully enclosed.

Did the thief commit burglary? There's no question the thief entered the vestibule illegally and committed larceny. **Thus, the answer depends entirely on whether the thief entered a "building."** For your first writing assignment, please write a 400- to 600-word essay on *why* the tent's vestibule 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.

Please submit your essay by email as a Microsoft Word file no later than 11:59 pm on Sunday, Aug. 21, and include your name as part of the file name.

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 vestibule similar to or different from the buildings you listed for question 2? Do the similarities or differences matter? Why or why not?
4. The maximum sentence for burglary is 15 years, while the maximum for petty theft is a year or less. As a society, what purpose does the longer sentence serve? Would it serve that purpose to treat the vestibule as a building? Why or why not?
5. What's the strongest argument against your conclusion, and why is it wrong?

ORIENTATION & FIRST WEEK CLASS ASSIGNMENTS

Below are reading assignments for the first six class sessions – every class before Labor Day (September 6). The books are designated as follows:

WRITES	A Lawyer Writes
ANALYSIS	Legal Analysis
BURGLARY	Materials related to the law of burglary
HANDOUT	Other materials I'll send by email and post online

You should stay at least one day ahead on the reading, as we may begin Thursday's discussion late in the class on Wednesday, and so on.

TUES., Aug. 23 Introduction to the Course and Legal Rules

WRITES	Read Chapters 1 and 2
ANALYSIS	Read Chapters 1 and 2
BURGLARY	Read the burglary statutes & the facts for class discussion (<i>People v. Hoffman</i>)
	<ul style="list-style-type: none"> ▪ <i>Be prepared to discuss whether a camping tent is a "building"</i> ▪ <i>Be prepared to discuss the burglary statute & the facts for Hoffman</i>

WED., Aug. 24 Introduction to Reading and Briefing Cases

WRITES	Read Chapter 3
HANDOUT	Briefing Cases (will post online and send via email)
BURGLARY	Review the burglary statutes & both sets of facts; read two cases carefully: <i>People v. King</i> and <i>People v. Eichmann</i>
	<ul style="list-style-type: none"> ▪ <i>For King & Eichmann: (1) Write the rule and holding for each case; and (2) Be prepared to discuss the rule, holding, facts and reasoning of each case</i>

THUR., Aug. 25	Legal Authority & The U.S. Legal System; Working with Legal Rules
WRITES BURGLARY	Read Chapters 4, 6, and 6 Review the statute, the facts of People v. Hoffman, and the cases
	<ul style="list-style-type: none"> ▪ <i>Be prepared to discuss whether Hoffman is guilty of burglary, and why or why not</i>
MON., Aug. 29	The Foundations of Legal Reasoning
ANALYSIS BURGLARY	Read pages 31-83 Review the statute, the facts of People v. Hoffman, and the cases
TUES., AUG. 30	More on Legal Reasoning
ANALYSIS WRITES MEMO 1 BURGLARY	Read Chapter 7 Read Chapter 11 Read all Instructions for Memo 1 Review the statute, the hypothetical facts, & all cases
	<ul style="list-style-type: none"> ▪ <i>Be prepared to discuss whether Fisher is guilty of burglary, and why or why not</i>
WED., AUG. 31	Organizing Memos; Stating & Explaining Legal Rules
WRITES BURGLARY HANDOUTS	Read Chapter 7 Review the facts for both cases Read Sample Informal Memo; Drafting A Rule Statement; Drafting the “E” in CREAC; Instructions for Practice Assignment 1
	<ul style="list-style-type: none"> ▪ <i>PRACTICE ASSIGNMENT 1: Please read the instructions and submit the assignment before class begins. We’ll discuss the assignment in class and you’ll do further work in small groups</i>