

Books & First Week Assignments

Below are the required books and the assignments for the first week of class, from Monday, Aug. 19 to Friday, Aug. 23. I'll give you a complete syllabus on the first day of class.

For the first three weeks, you need only the first two books and the materials for Memo #1, which are posted as a PDF file. ***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.***

You have one writing assignment before class starts – a short, ungraded essay arguing whether a camping tent is a “building.” The instructions are below. Please do the essay *before* the reading – it's meant to help you see how “thinking like a lawyer” is similar to and different from ways you'd ordinarily think. Please submit your essay by email as a Microsoft Word file no later than noon on Sunday, Aug. 18, and include your name at the beginning.

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

REQUIRED BOOKS

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

- Christine Coughlin, et al., *A Lawyer Writes* (3rd edition 2018) – Carolina Academic Press, ISBN: 978-1-5310-0876-9
- David S. Romantz and Kathleen Vinson, *Legal Analysis: The Fundamental Skill* (2nd edition 2009) – Carolina Academic Press, ISBN: 978-1-59460-279-5
- Linda Barris, *Understanding and Mastering the Blue Book* (3th ed. 2015) – Wolters Kluwer, ISBN: 978-1-61163-774-8
- *The Bluebook: A Uniform System of Legal Citation* (20th edition 2015) – Harvard Law Review Assn., ISBN 978-0-6924-0019-7.

A Lawyer Writes is available in two electronic formats: on Redshelf (from the publisher at www.cappress.com) and on Kindle (from www.amazon.com) You can rent *Legal Analysis* for the fall only, but we'll use the other books the entire year. And you shouldn't rent a *Bluebook* at all, as you'll used it throughout law school and in practice. Finally, please note that some people are selling *fraudulent* (and inaccurate) editions of the Bluebook online. Thus, you should buy it only from the bookstore or from www.legalbluebook.com

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 aluminum; the walls, floor, and roof are 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, and the owners sleep in it. While the owners are gone, 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. 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? What purpose does it serve? Would it serve that purpose 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:

WRITES	A Lawyer Writes
ANALYSIS	Legal Analysis
MEMO 1	Memo 1 Materials

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.

MON. * Introduction to the Course and Legal Rules

WRITES	Read pages 3-32
ANALYSIS	Read pages 3-33
MEMO 1	Read the burglary statutes & both sets of facts (you need not read the cases)

- ☛ ***Be prepared to discuss whether a camping tent is a "building"***
- ☛ ***Be prepared to discuss the statute & the facts for *People v. Hoffman****

WED. * Introduction to Reading and Briefing Cases

WRITES	Read pages 33-60
HANDOUT	How to Brief a Case (will distribute in class Monday)
MEMO 1	Review the burglary statutes & both sets of facts; read two cases carefully: <i>People v. King</i> and <i>People v. Eichmann</i>

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

THUR. * Legal Authority & The U.S. Legal System; Working with Legal Rules

WRITES	Read pages 15-32, 61-98
MEMO 1	Review both sets of facts, the statute, & read all cases

- ☛ ***For each fact scenario, be prepared to discuss and debate whether the defendant entered a building***

FRI. * The Foundations of Legal Reasoning

ANALYSIS	Read pages 37-81 (analogical reasoning & deductive reasoning)
MEMO 1	Review both sets of facts, the burglary statute, & all cases