

SYNTHESIS

LEGAL READING, REASONING, AND WRITING *Fourth Edition*

Deborah A. Schmedemann
Christina L. Kunz



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Synthesis Legal Readreasoning

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Thinking Like a Lawyer Kenneth J. Vandeveld, 2018-04-19 Law students law professors and lawyers frequently refer to the process of thinking like a lawyer but attempts to analyze in any systematic way what is meant by that phrase are rare In his classic book Kenneth J Vandeveld defines this elusive phrase and identifies the techniques involved in thinking like a lawyer Unlike most legal writings which are plagued by difficult virtually incomprehensible language this book is accessible and clearly written and will help students professionals and general readers gain important insight into this well developed and valuable way of thinking Updated for a new generation of lawyers the second edition features a new chapter on contemporary perspectives on legal reasoning A useful new appendix serves as a survival guide for current and prospective law students and describes how to apply the techniques in the book to excel in law school

An Introduction to Legal Reasoning Edward H. Levi, 2022-12-22 An updated edition of the classic text by the former US attorney general and University of Chicago Law School dean Originally published in 1949 An Introduction to Legal Reasoning is widely acknowledged as a classic text As its opening sentence states This is an attempt to describe generally the process of legal reasoning in the field of case law and in the interpretation of statutes and of the Constitution In elegant and lucid prose Edward H Levi does just that in a concise manner providing an intellectual foundation for generations of students as well as general readers This updated edition includes a substantial new foreword by leading contemporary legal scholar Frederick Schauer that helpfully places this foundational book into its historical and legal contexts explaining its continuing value and relevance to understanding the role of analogical reasoning in the law This volume will continue to be of great value to students of logic ethics and political philosophy as well as to members of the legal profession and everyone concerned with problems of government and jurisprudence

Beyond Legal Reasoning: a Critique of Pure Lawyering Jeffrey Lipshaw, 2017-03-27 The concept of learning to think like a lawyer is one of the

cornerstones of legal education in the United States and beyond In this book Jeffrey Lipshaw provides a critique of the traditional views of thinking like a lawyer or pure lawyering aimed at lawyers law professors and students who want to understand lawyering beyond the traditional warrior metaphor Drawing on his extensive experience at the intersection of real world law and business issues Professor Lipshaw presents a sophisticated philosophical argument that the pure lawyering of traditional legal education is agnostic to either truth or moral value of outcomes He demonstrates pure lawyering s potential both for illusions of certainty and cynical instrumentalism and the consequences of both when lawyers are called on as dealmakers policymakers and counsellors This book offers an avenue for getting beyond or unlearning merely how to think like a lawyer It combines legal theory philosophy of knowledge and doctrine with an appreciation of real life judgment calls that multi disciplinary lawyers are called upon to make The book will be of great interest to scholars of legal education legal language and reasoning as well as professors who teach both doctrine and thinking and writing skills in the first year law school curriculum and for anyone who is interested in seeking a perspective on thinking like a lawyer beyond the litigation arena

An Introduction to Law and Legal Reasoning Steven J. Burton, 2007-01-10 Now in its Third Edition An Introduction to Law and Legal Reasoning continues to be the ideal go to for the first year law student It is a short practical book that introduces beginning law students and others to contemporary law and legal reasoning By presenting these topics through various discussions of cases and examples it provides students with a solid source to reference for years to come

Rethinking Legal Reasoning Geoffrey Samuel, 2018-08-31 Rethinking legal reasoning seems a bold aim given the large amount of literature devoted to this topic In this thought provoking book Geoffrey Samuel proposes a different way of approaching legal reasoning by examining the topic through the context of legal knowledge epistemology What is it to have knowledge of legal reasoning

Legal Reasoning and Political Conflict Cass R. Sunstein, 1998-02-26 The most glamorous and even glorious moments in a legal system come when a high court recognizes an abstract principle involving for example human liberty or equality Indeed Americans and not a few non Americans have been greatly stirred and divided by the opinions of the Supreme Court especially in the area of race relations where the Court has tried to revolutionize American society But these stirring decisions are aberrations says Cass R Sunstein and perhaps thankfully so In Legal Reasoning and Political Conflict Sunstein one of America s best known commentators on our legal system offers a bold new thesis about how the law should work in America arguing that the courts best enable people to live together despite their diversity by resolving particular cases without taking sides in broader more abstract conflicts Sunstein offers a close analysis of the way the law can mediate disputes in a diverse society examining how the law works in practical terms and showing that to arrive at workable practical solutions judges must avoid broad abstract reasoning Why For one thing critics and adversaries who would never agree on fundamental ideals are often willing to accept the concrete details of a particular decision Likewise a plea bargain for someone caught exceeding the speed limit need not indeed must not delve into sweeping

issues of government regulation and personal liberty. Thus judges purposely limit the scope of their decisions to avoid reopening large scale controversies. Sunstein calls such actions incompletely theorized agreements. In identifying them as the core feature of legal reasoning and as a central part of constitutional thinking in America, South Africa and Eastern Europe, he takes issue with advocates of comprehensive theories and systemization from Robert Bork who champions the original understanding of the Constitution to Jeremy Bentham the father of utilitarianism and Ronald Dworkin who defends an ambitious role for courts in the elaboration of rights. Equally important, Sunstein goes on to argue that it is the living practice of the nation's citizens that truly makes law. For example, he cites *Griswold v Connecticut*, a groundbreaking case in which the Supreme Court struck down Connecticut's restrictions on the use of contraceptives by married couples, a law that was no longer enforced by prosecutors. In overturning the legislation, the Court invoked the abstract right of privacy; the author asserts that the justices should have appealed to the narrower principle that citizens need not comply with laws that lack real enforcement. By avoiding large scale issues and values, such a decision could have led to a different outcome in *Bowers v Hardwick*, the decision that upheld Georgia's rarely prosecuted ban on sodomy. And by pointing to the need for flexibility over time and circumstances, Sunstein offers a novel understanding of the old ideal of the rule of law. Legal reasoning can seem impenetrable, mysterious, baroque. This book helps dissolve the mystery. Whether discussing the interpretation of the Constitution or the spell cast by the revolutionary Warren Court, Cass Sunstein writes with grace and power, offering a striking and original vision of the role of the law in a diverse society. In his flexible, practical approach to legal reasoning, he moves the debate over fundamental values and principles out of the courts and back to its rightful place in a democratic state: the legislatures elected by the people.

Legal Reasoning and Legal Theory Neil MacCormick, 1994-08-11. What makes an argument in a law case good or bad? Can legal decisions be justified by purely rational argument, or are they ultimately determined by more subjective influences? These questions are central to the study of jurisprudence and are thoroughly and critically examined in *Legal Reasoning and Legal Theory*, now with a new and up to date foreword. Its clarity of explanation and argument make this classic legal text readily accessible to lawyers, philosophers and any general reader interested in legal processes, human reasoning or practical logic.

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