

## Elements of Legal Argumentation I Orientation Readings & Assignments

Welcome to UNM School of Law, and welcome to Elements of Legal Argumentation I. ELA I is the first semester of a two-semester legal writing course in which we will learn to solve clients' legal problems through fundamental lawyering skills like finding and reading the law, summarizing and applying it, and presenting our analysis in a variety of forms, both written and oral.

To help you prepare for this class (and, really, all of your first-year classes), we've put together some readings and exercises that you should complete before Orientation.

1. Please read the Introduction and Chapters 1 and 2 of *A Lawyer Writes*. Please also read Chapter 1 of *Plain English for Lawyers*. (PDFs of these readings accompany these instructions.) We will meet as a class during Orientation, and you should be prepared to discuss these readings. As you read these materials, ask yourself questions\* like these:

- What is an “objective analysis”? Why would a lawyer want you to write one?
- What does it mean to prepare a solid, convincing analysis? How do you know when you have proved or analyzed or fully explained something?
- What are the important sources of the law, and how do they interact with each other?
- What do the terms “mandatory” (or “binding”) or “persuasive” authority mean? What do the terms “primary” and “secondary” authority mean?
- What is precedent and how would lawyers use it?
- Why is it significant that court systems are hierarchical?
- What is “plain English”? Why is it important?
- How do you approach writing assignments?
- How strong is your understanding of grammar and writing style?

2. After you read those materials, read the *Mallory v. Harry's Bar* exercise. (This exercise accompanies these instructions.) You should also be prepared to discuss this exercise at Orientation. As you read the different hypotheticals, ask yourself questions like these:

- What rule was applied in Ms. Mallory's case? What are the specific things she had to prove in order to win her case?
- For each of the subsequent cases, does that rule lead to the same result or a different result? Why?
- How is each subsequent case similar to or different from Ms. Mallory's case?
- Which of those similarities or differences are important, and which are probably unimportant?
- If the rule doesn't produce the same result in the subsequent cases, how would it have to change in order to apply? Should it change?

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\* Law school tip: lawyers *always* read for a purpose. That is, lawyers always have questions in mind that they are trying to answer when they read legal materials. To begin to “read like a lawyer,” try to get in the habit of identifying some questions you want to answer before you read any law-related materials (including reading assignments for your law school courses).