

Legal Analysis, Writing & Research I
Fall, 2014
Professor Cascino

Welcome to Hofstra Law School. I look forward to meeting you during orientation. Our first session is designed to provide you with some tools to assist you in your transition to law school and also to begin the work of Legal Analysis, Writing and Research I.

As your Orientation schedule indicates, we will have our first class on **Wednesday, August 20th from 1:30 - 3:30**. Please check your Orientation schedule, or in the Registrar's office, to determine the room in which we will be meeting.

Prior to our first Legal Analysis class, please:

1. Purchase the following books, which are available in the Hofstra Bookstore:

Neumann, *Legal Reasoning and Legal Writing* (7th ed.);
Sloan, *Basic Legal Research* (5th Edition);
McKinney, *Legal Research: A Practical Guide and Self-Instructional Workbook* (5th ed.);
The Bluebook, A Uniform System of Citation (19th ed.); and
Interactive Citation Workbook for the Bluebook (2014 Edition).

I also recommend that you buy a legal dictionary of your choice. It is an essential tool for all of your classes.

2. We will also be using *Core Grammar for Lawyers*. This program is an online self-instructional learning program that will give you practice in fundamental grammar conventions as well as advanced grammar issues that are specific to legal writing. Instructions for purchasing and completing the program will be discussed at our first class.
3. **Please be aware that you must register for the TWEN page for this class immediately. I post many class assignments and other documents on TWEN, and also use it to communicate with the class.**
4. **Please read Chapters 1, 2, 3, 4 and 5 in *Legal Reasoning and Legal Writing*. Based on the briefing guidelines you will cover in orientation, please prepare a brief of the case, Costanza v. Seinfeld on pp. 35-37.** Although I will not collect it, you will be expected to participate in class discussion of the elements of your brief.
5. Complete the "No Vehicle" assignment that appears on the following pages. This assignment offers you the opportunity to begin analyzing legal rules. You should be prepared to submit this assignment and bring two copies of this assignment to our first class during orientation on August 20.

I look forward to meeting you. In the meantime, enjoy the rest of your summer!

Legal Writing
Professor Cascino

“No Vehicle” Synthesis Assignment

One of the skills critical to being a good legal writer is the ability to synthesize rules from multiple authorities. Synthesis is the process of distilling a single understanding of the rule from a number of different legal authorities. You will ultimately be required to synthesize the case authorities that you are given for Assignment 1. Before you undertake that task, you will practice synthesizing a rule using the attached series of abbreviated case authorities.

The attached exercise contains a statute and four case synopses. Assume that these are the only authorities in your jurisdiction that address the question of when vehicles may be brought into a city park. Your job is to synthesize these authorities and write a coherent rule statement that takes all of the authorities into account. Your “rule” statement should also include your “proof” or “explanation” of the rule.

Essentially what you will be doing is writing what you think is the current state of the law on whether a vehicle may be brought into a city park. As a context for this exercise, assume that you are writing for a lawyer who is unfamiliar with the statute and cases. You want to give this reader enough information so that she will be able to apply the law to new fact patterns.

In writing your synthesis, you should cite to your authority for each sentence by putting the name of the case (or statute) at the end of the sentence, as follows:

The purpose of the “no vehicle” statute is to protect people in the park from unnecessary disruption. Ambulance Driver.

Prior to our first meeting you should do the following:

1. Fill out the attached chart with the rules from each case.
2. Attempt to synthesize a rule of the overall state of the law on this issue, and write a full rule proof using the holdings of the cases. Your rule and rule proof should be typewritten and will be collected. It should be no longer than two paragraphs.

SYNTHESIS EXERCISE

Statute

#1: "No person shall bring a vehicle into a city park."

Case #1: Ambulance Driver

Facts: A boy fell through the ice in the park, and an ambulance driver brought an ambulance into the park to save the boy.

Issue: Did the ambulance driver violate Statute #1?

Holding: No, there's an exception for necessity.

Reasoning: The purpose of the "no vehicle" statute is to protect people in the park and park property from unnecessary disruption. Here, the ambulance was necessary to save a human life.

Case #2: Tree Trimmer

Facts: A tree trimmer hired by the city entered the park to trim dead branches off the trees. He brought a cherry picker into the park to reach the trees and haul away the branches.

Issue: Does the "necessity" defense apply to the tree trimmer?

Holding: Yes, the tree trimmer's vehicle was also a necessity.

Reasoning: Prior case law has held that Statute #1 is not violated where a vehicle is necessary to save a human life. Here, although no life was at stake, the tree trimmer's vehicle was necessary for two city purposes: to prevent dead limbs from falling on people, and to beautify the park, which was another purpose for enacting the statute.

Case #3: Ice Cream Cart

Facts: A man selling ice cream from a two-wheeled push cart was cited for violating the statute.

Issue: Is a two-wheeled push cart a vehicle under Statute #1?

Holding: Yes, the ice cream cart is a vehicle within the meaning of the statute.

Reasoning: The cart has wheels and is used to store ice cream. Although the cart remains on the sidewalk, people eating ice cream leave their wrappers on the grass. Therefore, the vehicle violates the statute's purpose.

Case #4: Skate Boarders

Facts: Twelve year old kids rode skateboards through the park at 10:00 p.m.

Issue: Is a skateboard a vehicle under Statute #1?

Holding: Yes, a skateboard is a vehicle, and therefore the kids violated Statute #1.

Reasoning: The purpose of the statute is to protect people and park grounds. Here, skateboards have wheels, are dangerous, and ruin grass. Therefore, they are vehicles within the meaning of the statute.

Synthesis Chart

<u>Case</u>	<u>Vehicle or Not a Vehicle</u>	<u>Determinative Facts</u>	<u>Rule Statement</u>