

Legal Analysis, Writing and Research I (Section A3)
Professor Joffe
Fall 2016

Assignment for First Class – Wednesday, August 17

Welcome to Law School. I look forward to meeting you during orientation. Our first session is designed to provide you with some tools to assist in your transition to law school and also to begin the work of Legal Analysis, Writing and Research I. This first class will include, among other things, an overview of legal analysis and guidelines on framing and synthesizing rules. Legal writing, research, and analysis are some of the most important skills you will acquire in law school and constantly use during your career.

Prior to our first class meeting on Wednesday, August 17, please do the following:

1. Make sure you have purchased the textbooks required for the course:

Richard Neumann and Kristen Tiscione, Legal Reasoning and Legal Writing, (7th ed.)

Amy Sloan, Basic Legal Research: Tools and Strategies (6th ed.)

The Bluebook: A Uniform System of Citation (20th Ed.)

I also recommend that you buy one legal dictionary of your choice. You will need it to effectively read and brief cases, and will refer to the dictionary often during law school and beyond.

2. Read Chapters 1, 2, 3, 4 and 5 in Neumann, Legal Reasoning and Legal Writing. Be prepared to discuss the material in class.
3. Based on the briefing guidelines you will cover in Orientation before our class, prepare briefs of the case *Costanza v. Seinfeld* in Chapter 3 of the Neumann text. Although I will not collect them, I will expect you to be prepared to discuss the elements of your briefs.
4. Also, on page two of this assignment sheet is a short assignment called “No Vehicles,” which offers an opportunity to begin analyzing legal rules. Please complete the assignment and be prepared to submit it in class on August 17.

I look forward to having a productive and enjoyable semester together.

“No Vehicle” Synthesis Exercise

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 soon be required to synthesize the case authorities that will be given for your first legal memo. 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 to 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 assignment, assume that you are writing for a lawyer who is unfamiliar with the statute and cases. You want to provide this reader with enough information so that he 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 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.

As part of your homework for our first class meeting, please do the following:

1. Fill out the attached chart with the rules from each case. The chart may be filled in by hand (printed legibly) or typed.
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.

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 is an exception for necessity.

Reasoning: The purpose of the “no vehicle” statute is to protect people in the park 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 purposes: to prevent dead limbs from falling on people, and to beautify the park, which was another purpose of enacting the statute.

Case #3 Ice Cream Cart

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

Issue: Is a two-wheeled push cart a vehicle that is prohibited from being in the park 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 boys rode skateboards through the park at 10:00 p.m.

Issue: Is a skateboard a vehicle that is prohibited from being in the park under Statute #1?

Holding: Yes. A skateboard is a vehicle and therefore the boys violated Statute #1.

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

Synthesis Chart

<u>Case</u>	Vehicle or No Vehicle?	Determinative Facts	Rule Statement
Amb. Driver			
Tree Trimmer			
Ice Cream Cart			
Skateboarders			

Rule and Rule Proof

Now, synthesize the four cases into a rule and rule proof explaining the meaning and scope of the “No Vehicles” statute. Your rule and rule proof should be typed and should be no more than two paragraphs.

