

Read 1-2 + mine study statutes & 1st 2 cases
Work due 10/15, 12/2, 11/11-11/20

Mr. Tillman
415 Office
by 5 PM.

Legal Writing

10/9/14 F

1) Stare decisis

1) decision in prior case should govern decision in like subsequent case

2) need for law to be predictable

2) to change the rule

1) must overrule previous case

3) Stare decisis

1) judge is bound to the holding

4) what is the holding; how wide is it

1) if these facts repeat must follow previous holding

5) dictum not holding

1) in the opinion but not necessary to the decision actually made

6) how will present court read prior precedent

1) dictum can be important in deciding holding

7) Prestate decision

1) authority primarily from other states

2) regards statute of not restrictive common law

8) read narrowly statute in conflict with C & I

Rife

1) minor child in Kelly case

1) not an adult child (or doesn't matter)

2) Thus prior case doesn't apply (?) or does

2) procedure key

3) Court holds 1st court didn't have jurisdiction

1) to award the money after majority

2) jurisdiction given by statute

1) not present

2) doesn't discuss statute much

4) Rife decided on different grounds than Prestate

1) jurisdiction disputed

2) dictum "all over age out of jur" & is holding more narrow

3) present law objectively in memorandum

1) label any arguments

4) set out facts of case

Re: *Freestate*; etc.

5) conclusions

6) discussion

(law is unsettled can't tell which but arguments can be made in certain way)

10/21 W

Common Errors

1) Facts, Issues, Conclusions, Discussions

1) Separate Headings for Each

2) make it easy for people to refer easily to issues

3) label & # issues

2) cut facts to the relevant ones

3) must relate cases to each other in

1) not simply brief them separately

4) introduction to case briefs

1) before facts of case

2) to show briefly significance

1) lead in sentence

5) set out relevant statutes in beginning

1) with your analysis of statutes

somewhere - room to argue?

6) education mentioned in §14? does it mean anything

not §19

2) "minor" in 14 not in 19

7) *Rife* & *Crane*

1) didn't analyze "minor" in statute

thoroughly thoroughly

Crane

1) not nec to overrule *P. Drustate*

1) support, not education

Deadline Tue, Nov. 3 5:00 P.M. 2nd Assignment

10/23

- 1) use simplified citation forms
 - 1) Blue Book (\$1.00) in Winter Quarter
- 2) Guide to Legal Research
 - 1) read