

F R E D E R I C K S C H A U E R

THINKING LIKE A LAWYER

A NEW INTRODUCTION
TO LEGAL REASONING

This is a book about thinking and reasoning. More particularly, it is about the thinking, reasoning, and argumentative methods of lawyers and judges, which may or may not be different from the thinking, reasoning, and argumentative methods of ordinary people. Whether lawyers think, reason, and argue differently from ordinary folk is a question and not an axiom, but it is nonetheless the case that certain techniques of reasoning are thought to be characteristic of legal decision-making.

Thinking Like A Lawyer A New Introduction To Legal Reasoning

Brendon Murphy



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Schauer, 2021-05-24 **Thinking Like a Lawyer** Kenneth J. Vandevelde, 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 Vandevelde 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

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Resource added for the Paralegal program 101101 **The Oxford Introductions to U.S. Law** Brian Bix, 2013-04-25 A book about family law is necessarily a book both about family life and the role law can and should take in regulating family life The Oxford Introductions to U S Law Family Law provides a critical introduction to the enduring topics in the field including not only an overview of the basic rules but also the history and principles underlying them **Failures of American Methods of Lawmaking in Historical and Comparative Perspectives** James R. Maxeiner, 2018-03-08 In this book James R Maxeiner takes on the challenge of demonstrating that historically American law makers did consider a statutory methodology as part of formulating laws In the nineteenth century when the people wanted laws they could understand lawyers inflicted judge made statute destroying common law on them Maxeiner offers the cure for common law in the form of sensible statute law Building on this historical evidence Maxeiner shows how rule making in civil law jurisdictions in other countries makes for a far more equitable legal system Sensible statute laws fit together one statute governs as opposed to several laws that even lawyers have trouble disentangling In a statute law system lawmakers make laws for the common good in sensible procedures and judges apply sensible laws and do not make them This book shows how such a system works in Germany and would be a solution for the American legal system as well *The Making of Constitutional Democracy* Paolo Sandro, 2022-01-27 This open access book addresses a palpable yet widely neglected tension in legal discourse In our everyday legal practices whether taking place in a courtroom classroom law firm or elsewhere we routinely and unproblematically talk of the activities of creating and applying the law However when legal scholars have analysed this distinction in their theories rather than simply assuming it many have undermined it if not dismissed it as untenable The book considers the relevance of distinguishing between law creation and law application and how this transcends the boundaries of jurisprudential enquiry It argues that such a distinction is also a crucial component of political theory For if there is no possibility of applying a legal rule that was created by a different institution at a previous moment in time then our current constitutional democratic frameworks are effectively empty vessels that conceal a power relationship between

public authorities and citizens that is very different from the one on which constitutional democracy is grounded After problematising the most relevant objections in the literature the book presents a comprehensive defence of the distinction between creation and application of law within the structure of constitutional democracy It does so through an integrated jurisprudential methodology which combines insights from different disciplines including history anthropology political science philosophy of language and philosophy of action while also casting new light on long standing issues in public law such as the role of legal discretion in the law making process and the scope of the separation of powers doctrine The ebook editions of this book are available open access under a CC BY NC ND 4 0 licence on bloomsburycollections com

Strength to Strength Michael L. Satlow, 2018-11-16 Essays that engage the scholarship of Shaye J D Cohen The essays in Strength to Strength honor Shaye J D Cohen across a range of ancient to modern topics The essays seek to create an ongoing conversation on issues of identity cultural interchange and Jewish literature and history in antiquity all areas of particular interest for Cohen Contributors include Moshe J Bernstein Daniel Boyarin Jonathan Cohen Yaakov Elman Ari Finkelstein Charlotte Elisheva Fonrobert Steven D Fraade Isaiah M Gafni Gregg E Gardner William K Gilders Martin Goodman Leonard Gordon Edward L Greenstein Erich S Gruen Judith Hauptman Jan Willem van Henten Catherine Hezser Tal Ilan Richard Kalmin Yishai Kiel Ross S Kraemer Hayim Lapin Lee I Levine Timothy H Lim Duncan E MacRae Ivan Marcus Mahnaz Moazami Rachel Neis Saul M Olyan Jonathan J Price Jeffrey L Rubenstein Michael L Satlow Lawrence H Schiffman Daniel R Schwartz Joshua Schwartz Karen Stern Stanley Stowers and Burton L Visotzky Features A full bibliography of Cohen s published works An essay on the contributions of Cohen [University of Chicago Law Review: Volume 80, Number 4 - Fall 2013](#) University of Chicago Law Review, 2014-01-02 This fourth issue of 2013 features articles from internationally recognized legal scholars and extensive research in Comments authored by University of Chicago Law School students Contents of Vol 80 No 4 include ARTICLES Bankruptcy Law as a Liquidity Provider by Kenneth Ayotte David A Skeel Jr Impeaching Precedent by Charles L Barzun Copyright in Teams by Anthony J Casey Andres Sawicki Inside or Outside the System by Eric A Posner Adrian Vermeule REVIEW ESSAY Francis Lieber and the Modern Law of War by Paul Finkelman COMMENTS Having Their Cake and Eating It Too Post emancipation Child Support as a Valid Judicial Option by Lauren C Barnett Equal Opportunity Federal Employees Right to Sue on Title VII and Tort Claims by Kristin Sommers Czubkowski Using Severability Doctrine to Solve the Retroactivity Unit of Analysis Puzzle A Dodd Frank Case Study by Hannah Garden Monheit I Didn t Do It Third Party Debtors and the Securities Law Violation Exception to Discharge by Hillel Nadler Super Contacts Invoking Aiding and Abetting Jurisdiction to Hold Foreign Nonparties in Contempt of Court by Julia K Schwartz Taking Leases by Nicholas Spear Disability Claims Guidance Documents and the Problem of Nonlegislative Rules by Frederick W Watson Quality ebook editions feature active Contents linked footnotes and linked URLs in notes

The ^AOxford Handbook of U.S. Education Law , 2021-06-22 The Oxford Handbook of U S Education Law includes more than

three dozen chapters by leading education law and policy scholars It presents a comprehensive description of the law that regulates public K 12 education today and suggests legal and policy changes for the next decade Chapters cover a wide variety of topics including virtual schooling civil rights student privacy and safety education federalism school choice and special education The Handbook is an essential guide for anyone interested in the law and policy that shapes K 12 education in the United States

Research Methods in Law Dawn Watkins,Mandy Burton,2025-07-31 Explaining in clear terms some of the main methodological approaches to legal research Research Methods in Law is written by specialists in their fields researching in a variety of jurisdictions Covering a range of topics including feminist approaches economic analysis of the law and socio legal studies each contributor addresses the topic of lay decision makers in the legal system from their particular methodological perspective This focus on one main topic allows the reader to draw comparisons between methods with relative ease This third edition has been fully updated and includes bullet point summaries at the start of each chapter There are also two new chapters covering biographical approaches and creative approaches The broad range of contributors makes Research Methods in Law well suited to an international audience and it is ideal reading for PhD students in law undergraduate dissertation students in law LL M Research students and early year researchers

Artificial Intelligence, Computational Modelling and Criminal Proceedings Serena Quattrocolo,2020-08-27 This book discusses issues relating to the application of AI and computational modelling in criminal proceedings from a European perspective Part one provides a definition of the topics Rather than focusing on policing or prevention of crime largely tackled by recent literature it explores ways in which AI can affect the investigation and adjudication of crime There are two main areas of application the first is evidence gathering which is addressed in Part two This section examines how traditional evidentiary law is affected by both new ways of investigation based on automated processes often using machine learning and new kinds of evidence automatically generated by AI instruments Drawing on the comprehensive case law of the European Court of Human Rights it also presents reflections on the reliability and ultimately the admissibility of such evidence Part three investigates the second application area judicial decision making providing an unbiased review of the meaning benefits and possible long term effects of predictive justice in the criminal field It highlights the prediction of both violent behaviour or recidivism and future court decisions based on precedents Touching on the foundations of common law and civil law traditions the book offers insights into the usefulness of prediction in criminal proceedings

Philosophy of Law, Theories, Examples and Human Rights Charalampos Stamelos,2024-08-13 The book Philosophy of Law presents relevant theories puts emphasis on the analysis of the branches of law and of basic human rights and proposes the holistic analysis of law In the first part the author analyses the main elements of each theory natural law legal positivism legal realism legal formalism legal liberalism economic analysis of law critical legal studies The main philosophers of law or supporters of each theory are discussed In the second part of the book human rights and jurisprudence are analysed in the context of public law criminal law e g death

penalty private law and international law The holistic analysis of law is proposed as a theory to address modern problems such as poverty climate change the pandemic and other global issues The book is designed primarily for law students teachers and supervisors Place and Time in Argumentation Christopher W Tindale,2022-11-12 This book introduces the principles of place and time by discussing the main roles they play in argumentation unpacking the multifarious meanings of spatiality and temporality Definitions of kairos are explored to yield suggestions as to how this concept and that of place can operate in argumentation The chapters explore various related concepts such as the role of different arguments in different places and how some places are not intended for argument argumentation time and temporality visual argumentation the effect of the passage of time on argument evaluation and the image as a site of discursive production This collection is of interest to students and researchers in argumentation studies rhetoric reasoning and philosophy Previously published in *Argumentation* Volume 34 issue 1 March 2020 Practical and Professional Ethics Wade L. Robison,2021-06-17 Before we can resolve or avoid an ethical problem we need to understand what makes something ethical *Practical and Professional Ethics* Key Concepts introduces us to a series of real cases where the stakes can be high the situations complex and the ethical issues often difficult to see Drawing on examples from medicine law science and engineering it offers a practical approach to thinking critically about the ethical problems that occur in our lives and professions teaching us how to focus on the ethical aspects of any situation distinguish between different kinds of ethical problems tailor our response to the kind of problem we face construct arguments we can plausibly attribute to those involved identify the role of power discretion and moral blindness By guiding us through the concepts issues and skills at play when we face an ethical problem we learn how to find a solution Ideal for students or professionals this book provides the grounding required to become a more complex moral thinker a quality that can be applied in a number of fields and jobs **The Art of Legal Problem Solving** Brendon Murphy,2024-05-09 *The Art of Legal Problem Solving A Criminal Law Approach* is a sophisticated skills book designed to help students develop the problem solving techniques necessary for their legal careers This book is an indispensable work for law students who want to not only improve their problem solving skills but master them *Precedent in the United States Supreme Court* Christopher J. Peters,2014-02-11 This volume presents a variety of both normative and descriptive perspectives on the use of precedent by the United States Supreme Court It brings together a diverse group of American legal scholars some of whom have been influenced by the Segal Spaeth attitudinal model and some of whom have not The group of contributors includes legal theorists and empiricists constitutional lawyers and legal generalists leading authorities and up and coming scholars The book addresses questions such as how the Court establishes durable precedent how the Court decides to overrule precedent the effects of precedent on case selection the scope of constitutional precedent the influence of concurrences and dissents and the normative foundations of constitutional precedent Most of these questions have been addressed by the Court itself only obliquely if at all The volume will be valuable to readers both in the United

States and abroad particularly in light of ongoing debates over the role of precedent in civil law nations and emerging legal systems

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