FREDERICK SCHAUER

THINKING LIKE A 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 Thinking Like A Lawyer

James Edward Clapp, Elizabeth G
Thornburg, Professor of Psychiatry and
Director of Division of Alcoholism and
Drug Abuse Marc Galanter, MD

Thinking Like A Lawyer Thinking Like A Lawyer:

Thinking Like a Lawyer Frederick Schauer, 2012-04-02 This primer on legal reasoning is aimed at law students and upper level undergraduates But it is also an original exposition of basic legal concepts that scholars and lawyers will find stimulating It covers such topics as rules precedent authority analogical reasoning the common law statutory interpretation legal realism judicial opinions legal facts and burden of proof 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 I 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 Thinking Like a Lawyer Colin Seale, 2025-01-31 Critical thinking is the essential tool for ensuring that students fulfill their promise But in reality critical thinking is still a luxury good and students with the greatest potential are too often challenged the least This best selling book Introduces a powerful but practical framework to close the critical thinking gap Gives teachers the tools and knowledge to teach critical thinking to all students Empowers students to tackle 21st century problems Teaches students how to compete in a rapidly changing global marketplace Colin Seale a teacher turned attorney turned education innovator and founder of thinkLaw uses his unique experience to introduce a wide variety of concrete instructional strategies and examples that teachers can use in all grade levels Individual chapters address underachievement the value of nuance evidence based reasoning social emotional learning equitable education and leveraging families to close the critical thinking gap In addition to offering examples for Math Science ELA and Social Studies this timely updated second edition adds a variety of new examples and applications for Physical Education Fine Arts Foreign Language and Career and Technical Education Thinking Like a Lawyer Paul McKechnie, 2017-07-31 This is a book about the law and life of Rome in which contributors respond to John Crook's injunction to think like lawyers by ranging as far as ancient Greece ancient Persia and modern Denmark to expound their themes and draw comparisons An opening section focuses on Civil Law more or less as conventionally conceived with chapters on the peculium on municipal law at Irni in Roman Spain on advisers of Roman provincial governors and on violent crime Roman perceptions of the physical and human worlds are the focus of a second section and comparisons between Greek Roman and modern ways of thinking about law and government come into the third section In the final section contributors argue the history of law and life from refractions of real and imagined Rome Thinking Like a Lawyer Colin Seale, 2021-09-03 Critical thinking is the essential

tool for ensuring that students fulfill their promise But in reality critical thinking is still a luxury good and students with the greatest potential are too often challenged the least Thinking Like a Lawyer Introduces a powerful but practical framework to close the critical thinking gap Gives teachers the tools and knowledge to teach critical thinking to all students Helps students adopt the skills habits and mindsets of lawyers Empowers students to tackle 21st century problems Teaches students how to compete in a rapidly changing global marketplace Colin Seale a teacher turned attorney turned education innovator and founder of thinkLaw uses his unique experience to introduce a wide variety of concrete instructional strategies and examples that teachers can use in all grade levels and subject areas Individual chapters address underachievement the value of nuance evidence based reasoning social emotional learning equitable education and leveraging families to close the critical thinking gap Law as Culture Kathy Laster, 2001 Law as Culture is a beguilingly accessible lively and engaging introduction to the law and to legal skills complete with innovative skills exercises and even some cartoons It gives the reader a framework for subsequent legal study and for professional life by demystifying the language and culture of the law and by building legal skills The Extracts Preface to the 2nd edn and Skills Inventory below link above clearly outline the many strengths of this edition The book shows how law students are socialised into professional legal culture and encourages independent thought It highlights the ways in which law reflects social values and priorities the place of law as one among many systems of social organisation and problem solving and the rise of lawyers as a subculture This edition has been extensively revised to take account of developments in law such as the results of the 1999 Referendum on the Republic the debates about a Bill of Rights for Australia and changes to legal professional practice The jurisdictional reach has been extended to look at cases and legislation from all Australian States Black White relations has been introduced as a recurring theme materials on Aboriginal Reconciliation the Wik judgment and the legal and political debate over the Stolen Generations give continuity and perspective Law as Culture includes clear and accessible accounts of key jurisprudential issues and an extended introduction which sets out the pedagogical assumptions There are cases and legislation from all Australian States thorough referencing and an annotated list of Further Reading in each chapter An Introduction to African Legal Philosophy John Murungi, 2013-04-11 A book on legal philosophy necessarily focuses attention on law In addition to this focus An Introduction to an African Legal Philosophy focuses attention on philosophy The link between law and philosophy is brought into relief which is done through an African context An attempt is made to spell out what is African about legal philosophy without being cut off of African legal philosophy from non African legal philosophy The book draws attention to the view that a basic component of African legal philosophy consists of an investigation of what it is to be an African and because an African is a human being among other human beings the investigation is about what it is to be a human being Ubuntuism is an African derived word that captures this mode of being human Moreover because human beings are cultural beings African cultural context guides the investigation Inescapably it is claimed that every legal philosophy is

embedded in a culture African legal philosophy is not an exception It is deeply rooted in African culture a culture that is today shaped in part by a European colonialist culture One feature that will strike one as one reads the book is that the book approaches African legal philosophy as a means of decolonization of African culture African legal philosophy can accomplish this intelligently and effectively if it is itself decolonized In doing this it contrasts sharply with mainstream Western legal Practical Guide to Lawyering Skills Fiona Boyle, 2003 This guide places the theory and practice of lawyering skills in an accessible and practical context The book looks at how skills are taught and assessed both on undergraduate and vocational courses and helps students to see skills as an integral element of law Governance Roger Brownsword, 2024-08-02 This book offers a radically different introduction to law one that reflects the challenges and opportunities presented by the rapid technological developments of our time Traditionally law has been about historic principles and rules and their application to a particular set of facts and courts judges and disputes have been central to the legal enterprise Against this approach this book highlights four radical and revisionist ideas by bringing modern technologies into the foreground by presenting law as one particular mode of governance in a larger picture of governance that now includes technological modalities by insisting that we have to think outside the traditional doctrinal box to engage with a broad range of governance questions and by emphasising that human communities cannot flourish without good governance to which both lawyers and law are central These four radical threads are woven into a discussion of the modern landscape of law and together they offer a distinctly contemporary contribution to the quest for good governance The challenge for lawyers now the book maintains is to contribute to thinking both locally and globally about how we take advantage of the opportunities presented by the newest technology without compromising the essential conditions for human life and co existence and without losing what we value in law's governance This book is aimed at students who are studying law at university and legal academics and others interested in the current and future impact of technology on law

Lawtalk James Edward Clapp, Elizabeth G Thornburg, Professor of Psychiatry and Director of Division of Alcoholism and Drug Abuse Marc Galanter, MD, 2011-11-22 Law related words and phrases abound in our everyday language often without our being aware of their origins or their particular legal significance boilerplate jailbait pound of flesh rainmaker the third degree This insightful and entertaining book reveals the unknown stories behind familiar legal expressions that come from sources as diverse as Shakespeare vaudeville and Dr Seuss Separate entries for each expression follow no prescribed formula but instead focus on the most interesting enlightening and surprising aspects of the words and their evolution Popular myths and misunderstandings are explored and exploded and the entries are augmented with historical images and humorous sidebars Lively and unexpected Lawtalk will draw a diverse array of readers with its abundance of linguistic legal historical and cultural information Those readers should be forewarned upon finishing one entry there is an irresistible temptation to turn to another and yet another

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