

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

Paolo Sandro



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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

An Introduction to Legal Reasoning Edward H. Levi, 2022-12-22 An updated edition of the classic text by the former US attorney general and University of Chicago Law School dean Originally published in 1949 *An Introduction to Legal Reasoning* is widely acknowledged as a classic text As its opening sentence states This is an attempt to describe generally the process of legal reasoning in the field of case law and in the interpretation of statutes and of the Constitution In elegant and lucid prose Edward H Levi does just that in a concise manner providing an intellectual foundation for generations of students as well as general readers This updated edition includes a substantial new foreword by leading contemporary legal scholar Frederick Schauer that helpfully places this foundational book into its historical and legal contexts explaining its continuing value and relevance to understanding the role of analogical reasoning in the law This volume will continue to be of great value to students of logic ethics and political philosophy as well as to members of the legal profession and everyone concerned with problems of government and jurisprudence

Beyond Legal Reasoning: a Critique of Pure Lawyering Jeffrey Lipshaw, 2017-03-27 The concept of learning to think like a lawyer is one of the cornerstones of legal education in the United States and beyond In this book Jeffrey Lipshaw provides a critique of the traditional views of thinking like a lawyer or pure lawyering aimed at lawyers law professors and students who want to understand lawyering beyond the traditional warrior metaphor Drawing on his extensive experience at the intersection of

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Think Like a Lawyer Edwin Scott Fruehwald, 2013 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

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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 Quattrocchio, 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.

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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 **Academic Learning in Law** Bart van Klink,Ubaldo de Vries,2016-07-27 This timely

book calls for a critical re evaluation of university legal education with the particular aim of strengthening its academic nature It emphasizes lecturers responsibility to challenge the assumptions students have about law and the importance of putting law in a theoretical and social context that allows for critical reflection and sceptical detachment In addition the book reports upon teaching experiences and innovations offering tools for teachers to strengthen the academic nature of legal

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