

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

Wade L. Robison



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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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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,**

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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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