

Just Briefs Laurel Currie Oates

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lawyers law students and their teachers all too frequently overlook the most comprehensive adaptable and practical analysis of legal discourse ever devised the classical art of rhetoric classical analysis of legal reasoning methods and strategy is the foundation and source for most modern theories on the topic beginning with aristotle s rhetoric and culminating with cicero s *de oratore* and quintilian s *institutio oratoria* greek and roman rhetoricians created a clear experience based theoretical framework for analyzing legal discourse this book is the first to systematically examine the connections between classical rhetoric and modern legal discourse it traces the history of legal rhetoric from the classical period to the present day and shows how modern theorists have unknowingly benefited from the classical works it also applies classical rhetorical principles to modern appellate briefs and judicial opinions to demonstrate how a greater familiarity with the classical sources can deepen our understanding of legal reasoning

understanding international law through moot courts genocide torture habeas corpus chemical weapons and the responsibility to protect consists of five sets of opposing legal briefs and judge s decisions for five moot court cases held before the international court of justice and the international criminal court each moot court brief included in the book addresses contemporary controversies in international affairs issues ranging from the application of the newly emerging responsibility to protect r2p doctrine to the torture of detainees to the derogation from international due process protections these moot court briefs and case judgments help students formulate legal arguments that will be applicable to other similar cases they also provide students with excellent sources of international and domestic law as well as greater comprehension of topics ranging from jurisdictional

disputes to matters of evidence chapter 1 of the book provides an overview of the book as well as instructions regarding the construction of a moot court chapter two by george andreopoulos discusses the interrelationship between human rights and international criminal law chapters 3 through 7 are the cases the introduction to each chapter and subsequently each case lays out the facts of the case in question discusses where applicable issues associated with the material and contextual elements of the crimes s in question provides additional topics for classroom discussion and also places the issues of contention between the parties within the broader context of foreign affairs and international relations after each set of briefs and legal judgments is an appendix which includes an example moot court as well as an appendix that includes a set of alterable facts that students and faculty could adopt to change the general legal argument of the particular case

as lawyers we must not in hot pursuit of common law outrun common sense the dread of that eventuality prompted this book uncommon law of learned writing 2 0 promotes common sense in legal language plain language which is commonsensical broadens access to legal documents thus democratizing the law if democracy is government of the people by the people and for the people law is the language in which government interacts with the people it s the language of democracy the people whose government speaks through law must understand what is said no democratic society should brook legalese a dense verbose dialect known only to lawyers what then should society do to redress the lawyer induced obscurity a shakespearean character had an alarming proposal the first thing we do let s kill all the lawyers apparently that proposal was not enthusiastically endorsed which explains why we re still here a milder remedy enrolling lawyers in language classes has been mooted which explains why this book is in your hands uncommon law of learned writing 2 0 motivates lawyers to prefer plain language to the legalese and verbosity that have besmirched legal writing for centuries this book is as sweeping and authoritative a treatment of its subject as you can find anywhere

in twenty two chapters divided into six parts for convenience the authors not only lay bare the art of lawyering but also provide invaluable nuggets of perfecting and excelling as a solicitor and advocate there is little doubt that the contents of this book dramatically make a lawyer especially the lawyer in africa to be more effective more skilful and a proper lawyer useful to the client and society

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the textbook introduces the concept of experiential learning and establishes the recurrent themes for the chapters that follow the text also raises ethical issues common to externship placements and provides a framework for students to work through the issues provides guidance for students who use journals to record and reflect on their externship experience focuses on how students can learn from observation of lawyering behavior during the externship also introduces issues of bias in the legal profession for reflection and discussion as part of an externship experience discusses use of externship to improve traditional lawyering skills

this accessible paperback earned its success in the classroom by providing a complete introduction to the techniques and process of writing appellate briefs presenting class tested materials and ample illustrations that are both accessible and teachable emphasizing the process approach to writing beginning with large scale issues like content and organization moving to smaller scale issues like signals to the reader and ending on the smallest scale concerns of format and polishing methods using numerous annotated examples both good and bad of legal writing from briefs with commentary on the point each example is illustrating including in the appendices four sample briefs with annotations that identify strengths of the brief and or why the writer chose a particular technique teaching students how abstract formulas irac crexac etc can be effective in legal writing by having them identify whether certain elements have been included in a document

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