

NOTE TO THE TEACHER

Using the Text

Strategies for Legal Case Reading and Vocabulary Development was designed for use by instructors with some legal training. While a law degree is helpful, a strong interest in law combined with some law school experience and/or graduate work in English for academic legal purposes may be sufficient. In this case, it is helpful when using the text for the first time to have a colleague with a law degree serve as a consultant.

Structure of the Text

The book is divided into three main parts. The first and main part includes an introduction to American law; case reading and briefing strategies; and cases from the common law areas of torts, contracts, and property. While this part focuses primarily on common law cases, several cases involving statutory law are also included. The second part covers the enactment of statutes and the strategies that courts use to interpret statutes that address specific legal issues. The third section includes a discussion of the U.S. Constitution and several shorter constitutional law cases. Readings and vocabulary development tasks are interspersed with the cases. However, four readings, as well as a summary of a research study on legal case reading strategies followed by guidelines for reading legal cases, are found in the section on torts. This has been done with the aim of providing information that students need to be able to more skillfully read the first series of cases. It is also in response to student questions that arise early on, especially on the civil litigation process.

The First Few Days of Class

The text begins with a reading, “The United States Legal System—The Courts and the Law.” It is recommended that students read and discuss this overview before beginning their first torts case, *Bosley v. Andrews*. The second reading, “Reading Legal Cases, Part 1,” is meant to be assigned and discussed along with *Bosley*. The third reading, “Reading Legal Cases, Part 2,” is intended to be read before or with the other two torts cases. Students will likely bring many questions about these readings to class. Instructors may wish to turn readings into lecture and discussion

sessions. There are also many legal terms in the readings that are worthy of review and discussion. Most are italicized.

Cases

There are eighteen cases and case excerpts in the text. Most cases have been abridged as typically done in casebooks. The length of each case varies, but in general they are somewhat shorter than those read by law students. Brackets ([]) indicate that one or more citations have been removed. Four dots (. . . .) signal missing words or a combination of missing words and citations. In some cases, footnotes have been removed, and the remaining footnotes have been renumbered. These cases are marked with an asterisk (*). Paragraphs have been numbered for easy reference.

Not all cases need to be assigned. However, it is recommended that students read the first five cases in the text in sequence. Instructors may wish to add or substitute cases based on their own or their students' interests. Students may enjoy cases on corporate law, civil procedure (e.g., personal jurisdiction), tax law, international law, international business transactions, and intellectual property, as well as additional criminal law cases.

Three cases on U.S. constitutional law are found in the last section of the text. It was difficult to decide on cases for this section because of the wide range of topics covered in constitutional law. In the end, only three cases were included. A case on criminal procedure was chosen because some students have a specific interest in criminal law and there is only one other case in this area in the text. The other two cases deal with the rights of aliens living in the United States and therefore may be relevant to both American and international law students. Instructors having a special interest in constitutional law topics, such as the commerce clause or freedom of speech, may wish to assign other cases.

Questions for Discussion

Each case is followed by a list of questions for analysis and discussion. The answers to these questions are not found in the text but are available for course instructors on the publisher's website (www.press.umich.edu/esl) dedicated to teacher support. There are various approaches to preparing students for in-class case discussion using these questions. Some or all of the questions can be assigned for homework. Instructors can choose those they think are the most interesting or challenging. They can also write their own questions and hypotheticals. In class, students can discuss the answers in large or small groups. Feedback from students who have used the materials indicates that some prefer to meet in small groups for the opportunity to speak more while others like the climate of a large discussion session.

Instead of assigning the same questions for discussion to the entire class, instructors can give individual students specific questions to prepare and present

in class. Students can also create role plays in which participants defend a position, discuss their side of the issue with a lawyer, etc.

Time should be allowed for students to ask questions about the assigned case reading.

Readings

The eight readings in the text are meant to be part of students' reading assignments. Readings 1–4 provide information students need to more successfully read the cases. They include an overview of American law, the structure and function of a case, and the civil litigation process.

Two readings on case briefing, Readings 5 and 6, focus on the structure of holdings and issues. Instructors may wish to talk about the structure of holdings and issues in class and then assign some exercises for homework or self-study. Students who work their way through these readings find it easier to understand and formulate issues and holdings. Excerpts used for these tasks are not intended for legal purposes. Please note that citations do not include the page number. Answers to Reading 5, Exercise 2, are found on pages 190–91.

Reading 7 discusses the principles of statutory interpretation using quotations from a variety of cases. Reading 8 contains an overview of the making of the U.S. Constitution and touches on important areas of constitutional law.

Vocabulary Development Tasks

The text includes 5 vocabulary development tasks on a wide variety of topics. Most tasks are short and can be done for homework or self-study since the Answer Key is at the back of the text. Specific questions about the tasks can be answered in class. There is no set order in which tasks need to be assigned. They have been interspersed throughout the text, in some cases to accompany particular readings and cases; however, individual instructors are encouraged to choose the order that they prefer. For example, Task 22 can be assigned earlier. Task 26 can be divided into several smaller tasks and assigned on different days. Instructors will also want to choose certain exercises based on their student population. If the class consists primarily of native speakers of English, some exercises may seem less demanding and can be omitted. If the class is generally for non-native speakers of English, it may be a matter of taste as to which tasks the instructor wishes to assign. Instructors should be aware that the Answer Key contains additional information for students along with the answers to the exercises.

Excerpts used in the vocabulary development tasks are not intended for legal purposes. Please be aware that quotation marks and internal citations may have been removed and punctuation altered. The citation for each excerpt is included but does not include the page on which the excerpt is found.

Answers to the vocabulary tasks have been carefully researched, but if instructors have doubts about any of the answers, they may be able to resolve them by checking a legal corpus.

Writing Tasks

Writing tasks are found after some of the cases and in Readings 5 and 6. They focus mainly on case briefing. Instructors can also design writing tasks from the Questions for Discussion that follow each case. Some instructors may wish to cover legal writing skills in a separate course.

For any questions or comments about the text, please write the author care of the University of Michigan Press at *esladmin@umich.edu*.