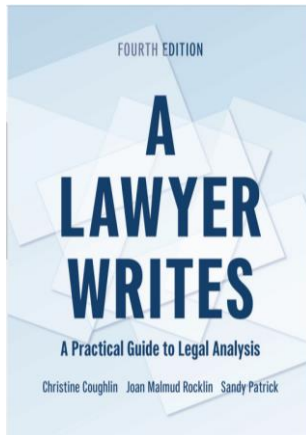


Pour citer la présente note de lecture : Hartwell, Laura M. (2024). Review of *A Lawyer Writes: A Practical Guide to Legal Analysis, Fourth Edition* (2024) by Christine Coughlin, Joan Malmud Rocklin & Sandy Patrick. *Études en Didactique des Langues*, n° 42, p. 107-108.



Review of *A Lawyer Writes: A Practical Guide to Legal Analysis, Fourth Edition* (2024) by Christine Coughlin, Joan Malmud Rocklin & Sandy Patrick. By Laura M. Hartwell, Lairdil, Université Toulouse Capitole.

Previous reviews submitted by both university professors and law students in the United States of the textbook *A Lawyer Writes: A Practical Guide to Legal Analysis* (2024) generally rate it as very good to excellent. As part of the ANR Lexhnology project¹, the present review focuses on the interest of this textbook for teaching and learning English as a foreign language and notably skills related to reading comprehension.

As stated in the Introduction, this textbook is designed to teach law students, “how to assess the merits of a legal problem and how to communicate your assessment to other attorneys. Those two skills – the ability to assess a legal problem and to communicate your assessment to others – will form the cornerstone of your work as an attorney” (p. xxi). The textbook, in either its paper or electronic version, is comprised of nineteen chapters, four appendixes of sample memos, a five-page glossary, and an index. Legal analysis is covered in many chapters and is also treated in practical ways specifically related to language, such as the chapters “How Attorneys Communicate”, “Beginning and Ending One Legal Argument”, and “The Transition from Objective to Persuasive Writing”.

The clarity of the textbook’s language is highly appreciable, as found for example in the explanation that in the United States, “each branch of government has authority to create and publish law: The legislative branch enacts statutes; the executive branch issues regulations and executive orders; and the judicial branch produces case law” (p. 15). Instead of unfathomable legal jargon, keys concepts and their terminology are laid out in an organized manner.

¹ To participate in the reading comprehension project of the ANR Lexhnology project, see: <https://lairdil.univ-tlse3.fr/anglais-juridique-comprendre-les-opinions-de-la-cour-supreme-des-etats-unis>

The third chapter, “Reading for Comprehension”, treats the often conflicting needs to read quickly and to read critically. The authors insist that at the beginning of a legal career, jurists must focus on comprehension over speed. This of course, goes against many of the standardized reading comprehension assessments of English as a foreign language, such as found in the Toeic. According to the authors, reading for comprehension should follow three steps: understanding the context, skimming the text, and, most importantly, reading and rereading the text critically.

In this chapter on reading comprehension, as in the other chapters, tables visually set up the sub-steps of each task of legal argument. This chapter offers different sections and tables for the reading of statutes and the reading of judicial opinions, although the three above-mentioned steps remain the same. The section on reading judicial opinions also offers a figure representing the structure of an opinion, including the citation and caption at the top, the synopsis with the background and “holdings”, the “disposition” or concluding decision, before the official opinion. All of these sections are then explained in plain English. The authors note that in this textbook, as in other law school textbooks, the opinion has been simplified to illustrate only one point of law. Thus, in practice, reading opinions is longer and more complex as they contain multiple issues, legal questions, and facts. The authors also provide information on possible sources of confusion, such as the fact that courts will imprecisely call a rule a holding and vice versa, thus, “to distinguish between a holding and a rule of the case, pay attention to the facts. A holding is tied to facts; a rule of the case is not” (p. 54).

Teachers of English as a foreign language may be particularly interested in the chapter “Client Letters”, which begins with a list of the common types of letters lawyers write. Once again, a rich example displays the different parts of the text, beginning with the “Return address” and ending with “Enclosures”, before complete descriptions of each part. The authors note that because of the “wide variety of clients and their legal problems, there is no ‘one size fits all’ approach with respect to client letters. The goal [...] is to educate the client in a straightforward and understandable way about the legal issue, the client’s options, and the next steps that you and the client should take” (p. 316).

Teachers of English for law, especially those that incorporate memos into their course programs, will find many valuable aspects to this textbook. The chapter “Finding your argument” offers illustrated and concise examples, such as “red flag” words in statutes, highlighting exceptions to the standard flagged by “unless” or “except” or those that prohibit conduct flagged by “shall not”, “may not” or “must not” (p. 42). The chapter “Explaining the Law: Case Illustrations” discusses content and order of the “hook”, “trigger facts”, “reasoning”, and “holding”. They suggest that although the hook appears first, it is often written last as writing clarifies thought. The holding, which may be repeated in the hook, may come effectively before or after the reasoning, as the authors illustrate with new examples of both (p. 130).

This textbook does not focus on course activities, but on explaining how to read, write, and think like a lawyer. Its clarity and details make it an excellent source for the teaching and learning of English for law as a foreign language.