

Fundamentals of Legal Reasoning

Syllabus

Instructor: Robert J. Barth, Professor of Law and Government
Oak Brook College of Law and Government Policy

Course Description: The concepts discussed in this course are not limited to legal reasoning. We use logical thinking every day, even if we do not consciously think about it. God created us with a mind to think sequentially to make decisions, and to think in analogies to help us better communicate with others. While this course will give you the fundamentals of legal reasoning used by lawyers and judges, it will also help you be better writers and communicators. You will have the opportunity to look at various forms of legal reasoning from both a Biblical and a legal perspective. Each week, you will answer review questions and complete an assignment to solidify your understanding of the material.

- Objectives:**
- To understand a sequential approach to answering legal questions
 - To understand the value and use of inductive reasoning in law
 - To understand the limitations of inductive reasoning in law
 - To understand the value and use of deductive reasoning in law
 - To understand the common errors in deductive reasoning in law
 - To understand how lawyers and judges use reasoning by analogy in law
 - To understand the logical errors in reasoning by analogy
 - To understand the Biblical illustrations of these forms of reasoning

Procedure: Each week-long lesson includes a short video lecture, readings, review questions, and an assignment. The review questions and assignments are to be submitted for review by your evaluator. Your course grade will be determined by your cumulative grades on the review questions, the assignments, and a final exam. There are 10 points for each lesson's review questions and/or the assignment (total of 90 points). The final exam is worth 100 points. The total points possible in the course are 190. The final exam will be based on the Review Questions and the Assignments.

- Outline:**
- Week 1: Introduction to Solving Legal Questions.
 - Week 2: Inductive Reasoning in the Bible
 - Week 3: Inductive Reasoning in Court Opinions
 - Week 4: Deductive Reasoning in the Bible
 - Week 5: Deductive Reasoning in Court Opinions
 - Week 6: Reasoning by Analogy in the Bible
 - Week 7: Reasoning by Analogy in Court Opinions
 - Week 8: Combined Reasoning in the Bible
 - Week 9: Combined Reasoning in Court Opinions
 - Week 10: Final Exam

Lessons

Use the table of contents to quickly jump to the desired lesson.

Contents

Lesson 1: Introduction to Solving Legal Questions	3
Lesson 2: Inductive Reasoning in the Bible.....	6
Lesson 3: Inductive Reasoning in Court Opinions.....	8
Lesson 4: Deductive Reasoning in the Bible	13
Lesson 5: Deductive Reasoning in Court Opinions.....	16
Lesson 6: Reasoning by Analogy in the Bible	21
Lesson 7: Reasoning by Analogy in Court Opinions	23
Lesson 8: Combined Reasoning in the Bible	32
Lesson 9: Combined Reasoning in Court Cases	36

Scripture quotations are from the King James Version, which is public domain in the US. Rights in the Authorized Version in the United Kingdom are vested in the Crown and are reproduced by permission of the Crown's patentee, Cambridge University Press.

Lesson 1: Introduction to Solving Legal Questions

Steps toward resolving a legal problem or deciding a case must begin with asking the right questions. These questions involve both facts and law. When a client seeks counsel from a lawyer, the client tells their story to the lawyer. The client may not know what facts are legally significant. The client tells the attorney what happened, how it made them feel, what injury they suffered, or what they want done. The client wants resolution, compensation, restitution, or some other remedy to have justice done. In criminal cases, the government prosecutes a person for allegedly committing a crime. But in civil cases, it is one individual with a complaint against another individual for alleged harm done.

Whether individuals are resolving a conflict (civil case) or the government is prosecuting a crime (criminal case), every case begins with determining the issue or issues involved. An issue is a question that must be answered to reach a conclusion resolving the conflict, or determining the guilt of a person. The main issue(s) can be based on facts (e.g., was the traffic light red or green), or based on law (e.g., was someone negligent). In a civil case, the person who accuses someone of wrongdoing is called the plaintiff, and the accused is called the defendant. In a criminal case, the government is the plaintiff, and the accused is the defendant. The victim of a crime is normally the main witness, except in the cases of a homicide where other witnesses must be used.

A lawyer's job is to ask the right factual questions to determine what legal principles or laws would apply. The lawyer is assumed to know the law or will research the law to determine what remedies are available, if any. So, the first step in legal analysis is determining the issue or issues that must be decided. The next step is to determine the applicable law or rule that applies to the factual situation. The third step is to apply the relevant facts to the applicable law in order to reach a conclusion or answer to the legal question at issue. This is called the IRAC (Issue, Rule, Analysis or Application, and Conclusion) method of analysis.

The "Issue" is always in the form of a question using the word "whether" or "what." The "Rule" is the legal principle or law applicable to the factual situation. The "Analysis" is the process of applying the facts to the law to reach a "Conclusion" and the answer to the issue or question. Let's look at a few examples.

Example 1: Battery is both a civil wrong and a crime. If a person bumps against another person, is that a battery? To decide this, we would need to know more facts and the legal definition of a battery. The IRAC analysis would look like this:

Issue: Whether the defendant committed a battery when he ...?

Rule: Battery requires the intentional harmful or offensive touching of another without consent or privilege.

Analysis: Discussion of relevant facts and application of the law to determine if what the defendant did was a "touching" and, if so, whether it was intentional and whether it was "harmful or offensive."

When Defendant hit Plaintiff with his hand, he clearly “touched” Plaintiff. The real issue is whether the touching was intentional. To be intentional, there must be . . . intent. The words . . . Defendant said are evidence that he intended to touch Plaintiff. This touching would be considered offensive because

There would also need to be a discussion of whether the facts indicate there was consent or privilege.

There was no consent given for the touching. Consent requires In this situation, Plaintiff . . . therefore there was no consent. Privilege requires Such a relationship did not exist between Plaintiff and Defendant.

The defendant had no privilege to touch the plaintiff.

Conclusion: Therefore, since the defendant conducted an intentional, offensive touching of Plaintiff without consent or privilege, the defendant can be held liable for battery.

The intent here is not to teach you law, but to show you the steps in legal analysis that lawyers and judges do every day. Let’s look at an example of a car accident.

Example 2:

Issue: Whether the defendant was negligent when he ...?

Rule: Negligence occurs when a person has a duty of due care, but breaches that duty and the breach of the duty causes damage to the plaintiff.

Analysis: Discussion of relevant facts and application of the law to determine if the defendant had a duty of care toward the plaintiff in the situation, and whether the duty was breached, and whether the breach caused injury to the plaintiff. (The four elements of negligence are duty, breach, causation, and damages.)

When Defendant approached a traffic intersection displaying a red light, he had a duty to stop. When Defendant failed to stop and continued driving through the intersection, hitting Plaintiff’s vehicle, he breached his duty, causing damage and possible personal injury.

Conclusion: Therefore, since the defendant had a duty to stop, breached that duty, and caused damage to the plaintiff, the defendant is negligent.

Do you see how answering a legal question or issue depends on knowing both the relevant facts and the applicable law? The IRAC analysis is an approach to resolving or answering legal questions. In future lessons, we will see how three different types of legal reasoning (inductive reasoning, deductive reasoning, and reasoning by analogy) are used at different points in the IRAC analysis.

Readings:

- Look up the definitions of the following terms in a dictionary or on the internet:
 1. Tort
 2. Battery
 3. Assault
 4. Negligence
 5. Plaintiff
 6. Defendant
 7. Appellant
 8. Appellee
 9. Felony
 10. Misdemeanor

Review Questions (one point each):

1. What are the four elements of a negligence claim?
2. Does the touching of another person need to cause injury to be a “battery”? Why?
3. What does the “R” stand for in the IRAC analysis?
4. What does the “A” stand for in the IRAC analysis?
5. What is the difference between a civil case and a criminal case?

Assignment (five points):

- Suppose you want to get a commercial driver’s license (CDL) at your age. Use the IRAC analysis and describe the process you would go through to decide whether you can get a CDL. In your answer, indicate what the issue is, where you would look to find the rule to be applied, and reach a conclusion if you are eligible to get a CDL.

Key Concepts:

In any legal situation, the first step toward a resolution is identifying the key issue(s) to be answered. To resolve the issue, both the relevant facts and applicable law must be identified and understood. Applying the relevant facts to the correct legal standard enables one to answer the issue and to decide what course of action should be taken or what result should happen.