



1-1-1982

A Practical Guide to Legal Writing and Legal Method, Interviewing and Counseling, and Reading Skills for Law Students [book review]

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Automated Citation

Dorothy Glancy, *A Practical Guide to Legal Writing and Legal Method, Interviewing and Counseling, and Reading Skills for Law Students* [book review], 68 A.B.A.J. 318 (1982),

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But as Fisher and Ury remind us, people rarely are satisfied by agreements reached by procedures perceived as unfair. And agreements reached by intimidation, "stonewalling," and other "dirty tricks" often prove costlier than a fair settlement, when subsequent lawsuits are filed over the settlement agreement, or one party simply fails to fulfill its obligations. Unless lawyers understand, and explain to their clients, that agreements are successful only when both sides achieve something they want at a price they can afford, we are not likely to resolve our disputes by means less costly than wars, strikes, riots, and screaming matches.

Send a copy of this book to your clients. If they are as informed about the process as we are, we can only gain. After all, they have to abide by what we negotiate, and we have to abide by what they allow us to negotiate.

A PRACTICAL GUIDE TO LEGAL WRITING AND LEGAL METHOD. By John C. Dernbach and Richard V. Singleton II. Fred B. Rothman and

Company, 10368 West Centennial Road, Littleton, Colorado 80127. 1981. \$14.95. 246 pages.

INTERVIEWING AND COUNSELING. By M.K. and B.P. Schoenfeld. American Law Institute-American Bar Association Committee on Continuing Professional Education, 4025 Chestnut Street, Philadelphia, Pennsylvania 19104. 1981. \$15.00. 163 pages.

READING SKILLS FOR LAW STUDENTS. By C.K. Mayfield. Michie/Bobbs-Merrill, Post Office Box 7587, Charlottesville, Virginia 22906. 1980. \$10.00. 199 pages.

Reviewed by Dorothy Glancy, associate professor, University of Santa Clara School of Law.

Skills training for lawyers will continue to be one of the profession's major concerns during the 1980s. Major addresses by Chief Justice Burger, changes in A.B.A. law school accreditation standards, and special skills training projects initiated by bar associations, law schools, and law firms across the nation all reflect this emphasis. So do the numerous new books on developing and improving legal skills. These new skills manuals offer

assistance to law students and young lawyers struggling against a tide of criticism.

But these books also may be just right for more experienced practitioners interested in polishing basic skills or acquiring new ones. Most of the recently published legal skills books tend to focus rather narrowly on one particular aspect of legal practice, such as legal analysis and writing, or negotiation, or interviewing and counseling, or even specialized reading skills useful to lawyers. These books seem to reflect a functional analysis of the various roles performed by members of the legal profession, similar to that embodied in the A.B.A.'s proposed Model Rules of Professional Conduct.

Among the several skills manuals focused on legal writing and analysis, Dernbach's and Singleton's *A Practical Guide to Legal Writing and Legal Method* is somewhat unusual. It is concerned neither with legal research, as is, for example, Morris Cohen's *Legal Research* (1978), nor with lawyers' writing-style problems, as is Richard Wydick's classic *Plain English for Lawyers* (1979). The *Practical Guide* also is not a general legal method text as is Jones, Kernochan, and Murphy, *Legal Method: Cases and Text Materials* (1980). Rather, its focus is legal writing strategy. The book exhaustively explains effective ways to approach two basic legal writing forms: the office memorandum and the brief. There are lengthy appendixes with examples of both; a bibliography explains the cases from which the book's examples are derived.

Unfortunately, the *Practical Guide's* intended readership is somewhat unclear. The first portions of the book deal with case analysis and *stare decisis*. These chapters seem aimed at beginning law students. But as the book moves into legal method, office memorandums, and briefs, the examples become increasingly complicated and frequently require familiarity with specialized vocabulary and concepts (for example, zoning) that may prove frustrating for beginning law students who are still working hard to learn the basics.

The book would appear to be most useful in the hands of more advanced law students and young practitioners who would likely skim the initial chapters. Their interest would center on the chapters detailing the two types of legal writing tasks that appear to be the *Practical Guide's* main concern.

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Attorneys seeking assistance should contact Mr. John Gartner.

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These chapters do effectively get into the inner workings of and motivations behind these two forms of legal writing. In a sense, the book explains the obvious at great length and with many examples. For many young lawyers and law students to whom no one has ever explained these basically simple, but very important, peculiarities of legal writing, however, the book will be extremely helpful.

Legal counseling and interviewing skills are another important part of legal practice that now has a new skills manual. It is called *Interviewing*

and *Counseling*, by M.K. and B.P. Schoenfield. The book offers interesting new insights into improving the exchange of information within the attorney-client relationship. It also explores the practicalities of lawyers' interpersonal interactions with emotionally troubled or mentally disturbed clients. The book uses a set of hypothetical problems arranged as a programmed-learning guide designed to teach efficient, effective, and humane interviewing and client counseling. Law students as well as practicing lawyers will benefit from this practical ap-

proach to improving the capacity of lawyers to understand and to serve their clients most effectively.

The ability to read legal materials is a vital skill essential both for the study and practice of law. Unfortunately, not only law students but also many practitioners simply do not read legal materials efficiently. That is why C.K. Mayfield's *Reading Skills for Law Students* may be a very wise investment in both time and money. It is a programmed text designed to increase reading speed and comprehension for legal materials. The format can be used both for classroom instruction and for self-teaching at home. The book's three parts look first at general techniques for studying law, next at reading law review articles and texts, and finally at reading cases. At the end are answer keys, charts for recording progress, and a helpful glossary. Designed by a reading instructor, *Reading Skills* should help all students of the law to be more efficient and thoughtful readers of legal materials.

Because the study of law is a lifetime endeavor, these new skills manuals should be both helpful and interesting not only to law teachers and law students but also to members of the practicing bar.

ETHICAL PROBLEMS IN FEDERAL TAX PRACTICE. By Bernard Wolfman and James P. Holden. Michie/Bobbs-Merrill, Post Office Box 7587, Charlottesville, Virginia 22906. 1981. \$18.00. 343 pages. Reviewed by David J. Martel of the Massachusetts bar (Springfield).

A sage once opined that "we're all thieves when it comes to the tax man." An overstatement perhaps, but few taxpayers haven't delighted in a deduction or computation of marginal validity around April 15.

Tax practitioners, beyond their personal temptations, become part of the puzzle through their clients. The lawyer often stands as the last checkpoint for dubious schemes he can either quash or take part in.

This book, intended for use in law school, presents the types of ethical problems in the tax context the lawyer will confront in the real world. Through a good ethics course the student will at least learn the existence of the high road and it is hoped follow it with his eventual clients.

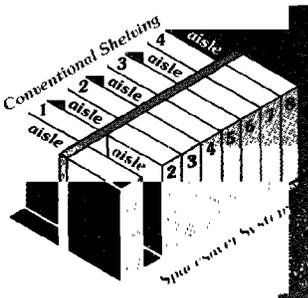
In terms of outline, the book opens with some general professional and
(Continued on page 324)

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