

ISS 2445: Legal Reasoning

How to Think Like a Lawyer

I. General Information

Class Meetings

- Spring 2026
- 3 credits
- Attendance: 100% In-Person, No GTAs, 30 Residential
- MWF Period 10 (5:10 PM - 6:00 PM)
- Location CSE 0487.

Instructor

- Patrick Hulme
- Office E432
- Tel: (352) 294-7205
- Office Hours – Tuesdays and Wednesdays, 1-3pm
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If you need to schedule an appointment outside of office hours, please email the course instructor.

Course Description

This course introduces students to the basic principles of legal reasoning, including rules, standards, facts, precedent, authorities, analogies, custom, equity, and the burden of proof. Students will examine how legal reasoning functions in practice and they will learn about how it compares to forms of reasoning in other fields and disciplines. The course is required for students majoring in Philosophy, Politics, Economics, and Law (PPEL) and provides outstanding preparation for students planning to attend law school or who are simply interested in understanding legal thinking.

Required Readings and Works

1. All required readings will be made available as PDFs on Canvas.
2. Materials and Supplies Fees: N/A

Course Objectives

1. Identify, describe, and explain the terminology, concepts, theories, and methodologies used in the discipline of law.
2. Evaluate legal arguments about important contemporary issues and assess their respective strengths and limitations.
3. Apply legal reasoning to major contemporary problems.
4. Communicate clear and effective responses, in writing and orally, to central questions about the process of legal reasoning.

II. Graded Work

Description of Graded Work

- a. Active Participation and Attendance: 20%
 - i. Participation: 10%
 1. An exemplar participant shows evidence of having done the assigned reading before each class; consistently offers thoughtful points and questions for discussion; and listens considerately to other discussants. See participation rubric below. (R)
 - ii. Class Attendance: 10%
 1. On-time class attendance is required for this component of the course grade. You may have two unexcused absences without any penalty. But starting with the third class missed your grade will be affected. Starting with the third unexcused absence, each unexcused absence reduces your attendance grade by $\frac{2}{3}$: an A becomes a B+, and so on.
 2. Except for absence because of religious holiday observance, documentation is required for excused absences, per university policy. Excessive unexcused absences (10 or more) will result in failure of the course. If you miss 10 or more classes (excused or not), you will miss material essential for successful completion of the course.
- b. Midterm Examination: 25%
 - i. Students will take an in-class, written midterm examination during Week 7. It will consist of essay and short answer questions.
- c. Reading Quizzes: 15%
 - i. Reading quizzes will be administered at the start of class on Fridays, at given times throughout the semester. Reading quizzes will test the student's knowledge of the week's readings, and will contain short-answer, short essay, and/or multiple-choice questions.
 - ii. Weeks 3, 5, 9, 11, 14.
- d. Final Examination: 25%

- i. Students will take a written final examination during the university-assigned final examination time for their class. It will consist of essay and short answer questions.
- e. Analytical Paper: 15%
 - i. In Week 13, you will submit a 2,000 word (minimum) analytical essay answering to a prompt provided by Week 7.
 - ii. The professor will evaluate and provide written feedback, on all the student's written assignments with respect to grammar, punctuation, clarity, coherence, and organization.
 - iii. Students may want to access the university's Writing Studio.
 - iv. An additional writing guide website can be found at Purdue OWL.
 - v. See Writing Assessment Rubric on syllabus, below.

III. Weekly Schedule

WEEK I: WHAT IS LAW?

Description: We will begin this course with a basic question: what is law? Students will examine three alternative conceptions of law: natural law, legal positivism, and legal realism/critical legal studies.

Readings:

- Cicero, *The Laws*, in *The Republic and the Laws* (Oxford World Classics 1998) pp. 111-114
- Aquinas, *Summa Theologiae, Prima Secundae Partis* (Second and Revised Edition, 1920, Fathers of the English Dominican Province) questions 90, 91, 92, 94, 95, 96.
- Lon Fuller, *The Morality of Law* (Yale University Press 1969) pp. 33-38.
- John Austin, *Province of Jurisprudence Determined and the Uses of the Study of Jurisprudence* (New York, Noonday Press) pp. 9-12, 118-121, 191-93.
- H.L.A. Hart, *The Concept of Law* 91 (5 page excerpt)
- K. Llewellyn, *Bramble Bush: On Our Law and Its Study* (New York, Oceana Publications) 12 (6 page excerpt).
- Duncan Kennedy, "Freedom and Constraint in Adjudication: A Critical Phenomenology," 36 *Journal of Legal Education* 518 (4 page excerpt)

WEEK 2: WHAT IS LEGAL REASONING?

Description: What does it mean to think like a lawyer, a judge, or a lawmaker? In week 2, students will be introduced to the concept of legal reasoning and examine the topic of slavery in the U.S. Constitution as a case study in legal reasoning.

Readings:

- Somerset v. Stuart, 20 State Tr 1, (King's Bench 1772) (2 page excerpt)
- U.S. Constitution (select provisions relating to slavery)
- "The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?" (1860), in C. Bradley Thompson (ed.), *Anti-Slavery Political Writings, 1833-1860: A Reader* (Routledge 2004) (4 page excerpt)
- William Lloyd Garrison, "The American Union" (speech in Canton, Ohio, January 10, 1845) (<https://teachingamericanhistory.org/document/the-american-union/>)
- Dred Scott v. Sandford, 60 U.S. 393 (1856) (5 page excerpt)

WEEK 3: RULES

Description: What do lawyers and judges mean when they refer to “rules”? What is the relation between a rule and its rationale, and what is the distinction between the core and the edge of a legal rule? Why do rules matter and what role do they play in legal reasoning?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 13-35.
- *United States v. Church of the Holy Trinity* (1892)
- *United States v. Locke* (1985)
- *Blanchflower v. Blanchflower* (2003)
- *Stewart v. Dutra Barge Company* (2005)

Assignment: Reading Quiz

WEEK 4: PRECEDENT

Description: What is the legal concept of precedent and how does it relate to rules? What are the different sorts of vertical and horizontal precedents that apply in the law and how do they function in the practice legal reasoning?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 36-60.
- *MacPherson v. Buick Motor Company* (1916)
- *Garratt v. Dailey* (1955)

WEEK 5: AUTHORITY AND AUTHORITIES

Description: Both rules and precedent involve the concept of authority. What is an authority in the context of the law and what are the sources of legal authority? What are the different sorts of authorities invoked in legal reasoning and why are they invoked? How, in practice, is authority important in legal reasoning?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 61-84.

Assignment: Reading Quiz

WEEK 6: ANALOGIES

Description: When making a legal argument, what is the difference between invoking a precedent and drawing an analogy? What is the structure of a good legal analogy and how can relevant and irrelevant analogies be distinguished? How are analogies used and misused in legal reasoning?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 85-102.

WEEK 7: THE IDEA OF COMMON LAW

Description: How does the idea of common law differ from civil law and how does this difference shape common law reasoning? What are the concepts of custom and equity and what roles do they play in common law reasoning?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 103-123.
- *Boyd v. Coca Cola Bottling Co.* (3 pp.)
- *Liggett & Myers Tobacco Co. v. Cannon* (5 pp.)
- *Pillars v R. J. Reynolds Tobacco Co.* (3 pp.)
- *Crigger v. Coca Cola Bottling Co.* (3 pp.)
- *Macpherson v. Buick Motor Co.* (12 pp.)

Assignment: Midterm Exam

WEEK 8: LEGAL REALISM

Description: Thus far students have learned about components of legal reasoning like rules, precedents, doctrines, and authorities. But do these things really drive legal reasoning, or are other extra-legal factors more relevant in legal decision making? Students will critically assess the central claims of Legal Realism and its implications for how we should understand the process of legal reasoning.

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 124-147.

WEEK 9: INTERPRETING STATUTES

Description: How is legal reasoning applied to the difficult and complex task of interpreting statutes, regulations, and ordinances? How can the meaning of words be determined in a legal context and what are some of the basic “canons of statutory construction”? What distinctive problems arise in legal interpretation and how is the interpretation of legal texts similar and different from the interpretation of other sorts of texts?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 148-170.

Assignment: Reading Quiz

WEEK 10: JUDICIAL OPINIONS

Description: What precisely are judicial opinions and how do they function in legal reasoning? What is the distinction between “holding” and “dicta” and how does it shape the use of judicial opinions in legal argumentation?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 171-187.
- *Parents Involved in Community Schools v. Seattle School District No. 1* (2007)

WEEK II: RULES AND STANDARDS

Description: What is the difference between legal rules and legal standards? In what situations might a rule be preferred over a standard and vice versa? How does this distinction require judges and legislators to engage in legal reasoning about authority and discretion, as well as tradeoffs between stability and flexibility?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 188-202.
- *Vance v. Ball State University*

Assignment: Reading Quiz

WEEK 12: LAW AND FACT

Description: How are facts determined in the process of legal reasoning? How does the adversary system, the law of evidence, and rules about jurisdiction make the determination of legal facts different from the determination of scientific or historical facts? How does the distinction between law and fact function in the appeals process?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 203-218.
- *Brown v. Board of Education*
- *Smith v. Bocklitz*

WEEK 13: THE BURDEN OF PROOF

Description: What is the legal concept of the burden of proof and why is it such an important part of legal argumentation? What standards exist and why are they applied in different situations? What role do concepts like presumptions and deference play in shaping legal argumentation?

Readings:

- Schauer, *Thinking Like a Lawyer*, pp. 219-234.
- *Michael H. v. Gerald D.*

Assignment: Analytic Paper Due

WEEK 14: LEGAL VS. OTHER FORMS OF REASONING

Description: This week, students will directly compare legal reasoning with forms of reasoning in other fields and disciplines. How does legal reasoning relate to scientific and economic forms of reasoning?

Readings:

- Phoebe C. Ellsworth, “Legal Reasoning and Scientific Reasoning” *Alabama Law Review* 63:1 (2011), pp. 895-918.
- Péter Cserne, “Economic Approaches to Legal Reasoning: An Overview” in Péter Cserne and Fabrizio Esposito (eds.), *Economics in Legal Reasoning* (Palgrave Macmillan, 2020), 25-42.
- Jeffrey Loewenstein, “Thinking in Business” in Keith J. Holyoak and Robert G. Morrison (eds.), *The Oxford Handbook of Thinking and Reasoning* (Oxford University Press, 2012), pp. 755-773.

Assignment: Reading Quiz

WEEK 15: CONCLUSION

Description: In this final week, students will reflect on what they have learned over the course of the semester and how their understanding of the law and legal reasoning has changed. They will discuss the central themes of legal reasoning that have emerged over the course of the semester; they will consider what makes legal reasoning a distinctive form of reasoning; and they will assess the strengths and limitations of legal reasoning compared with other forms of reasoning.

Assignment: Final Exam (date/time TBD)

IV. Grading Scale and Rubrics

Grading Scale

For information on UF's grading policies for assigning grade points, see [here](#).

A	94 – 100%		C	74 – 76%
A–	90 – 93%		C–	70 – 73%
B+	87 – 89%		D+	67 – 69%
B	84 – 86%		D	64 – 66%
B–	80 – 83%		D–	60 – 63%
C+	77 – 79%		E	<60

Grading Rubrics

Participation Rubric

A (90-100%)	Typically comes to class with pre-prepared questions about the readings. Engages others about ideas, respects the opinions of others and consistently elevates the level of discussion.
B (80-89%)	Does not always come to class with pre-prepared questions about the reading. Waits passively for others to raise interesting issues. Some in this category, while courteous and articulate, do not adequately listen to other participants or relate their comments to the direction of the conversation.
C (70-79%)	Attends regularly but typically is an infrequent or unwilling participant in discussion. Is only adequately prepared for discussion.
D (60-69%)	Fails to attend class regularly and is inadequately prepared for discussion. Is an unwilling participant in discussion.
E (<60%)	Attends class infrequently and is wholly unprepared for discussion. Refuses to participate in discussion.

Examination Rubric: Essays and Short Answers

	Completeness	Analysis	Evidence	Writing
A (90-100%)	Shows a thorough understanding of the question. Addresses all aspects of the question completely.	Analyses, evaluates, compares and/or contrasts issues and events with depth.	Incorporates pertinent and detailed information from both class discussions and assigned readings.	Presents all information clearly and concisely, in an organized manner.
B (80-89%)	Presents a general understanding of the question. Completely addresses most aspects of the question or address all aspects incompletely.	Analyses or evaluates issues and events, but not in any depth.	Includes relevant facts, examples and details but does not support all aspects of the task evenly.	Presents information fairly and evenly and may have minor organization problems.
C (70-79%)	Shows a limited understanding of the question. Does not address most aspects of the question.	Lacks analysis or evaluation of the issues and events beyond stating accurate, relevant facts.	Includes relevant facts, examples and details, but omits concrete examples, includes inaccurate information and/or does not support all aspects of the task.	Lacks focus, somewhat interfering with comprehension.
D (60-69%)	Fails fully to answer the specific central question.	Lacks analysis or evaluation of the issues and events beyond stating vague, irrelevant, and/or inaccurate facts.	Does not incorporate information from pertinent class discussion and/or assigned readings.	Organizational problems prevent comprehension.
E (<60%)	Does not answer the specific central question.	Lacks analysis or evaluation of the issues and events.	Does not adduce any evidence.	Incomprehensible organization and prose.

Writing Rubric

	Thesis and Argumentation	Use of Sources	Organization	Grammar, mechanics and style
A (90-100%)	Thesis is clear, specific, and presents a thoughtful, critical, engaging, and creative interpretation. Argument fully supports the thesis both logically and thoroughly.	Primary (and secondary texts, if required) are well incorporated, utilized, and contextualized throughout.	Clear organization. Introduction provides adequate background information and ends with a thesis. Details are in logical order. Conclusion is strong and states the point of the paper.	No errors.
B (80-89%)	Thesis is clear and specific, but not as critical or original. Shows insight and attention to the text under consideration. May have gaps in argument's logic.	Primary (and secondary texts, if required) are incorporated but not contextualized significantly.	Clear organization. Introduction clearly states thesis, but does not provide as much background information. Details are in logical order, but may be more difficult to follow. Conclusion is recognizable and ties up almost all loose ends.	A few errors.
C (70-79%)	Thesis is present but not clear or specific, demonstrating a lack of critical engagement to the text. Argument is weak, missing important details or making logical leaps with little support.	Primary (and secondary texts, if required) are mostly incorporated but are not properly contextualized.	Significant lapses in organization. Introduction states thesis but does not adequately provide background information. Some details not in logical or expected order that results in a distracting read. Conclusion is recognizable but does not tie up all loose ends.	Some errors.

D (60-69%)	Thesis is vague and/or confused. Demonstrates a failure to understand the text. Argument lacks any logical flow and does not utilize any source material.	Primary and/or secondary texts are almost wholly absent.	Poor, hard-to-follow organization. There is no clear introduction of the main topic or thesis. There is no clear conclusion, and the paper just ends. Little or no employment of logical body paragraphs.	Many errors.
E (<60%)	There is neither a thesis nor any argument.	Primary and/or secondary texts are wholly absent.	The paper is wholly disorganized, lacking an introduction, conclusion or any logical coherence.	Scores of errors.

V. Required Policies

Academic Policy

All academic policies in this course are consistent with university policies, which can be found here: <https://go.ufl.edu/syllabuspolices>