

INTRODUCTION TO LEGAL ANALYSIS

Sample Short Essay Question for Law Students

VIC AND DAN: BURGLARY QUESTION

One night, when it was raining lightly, Dan went looking for Vic saying, "I'll get that guy for cheating me out of \$100." Dan took a loaded pistol with him. Not knowing where Vic lived, Dan wandered around the city for several hours. Suddenly, it began to rain heavily. Dan smashed a window in the very first house he saw, and entered. He remained inside the house until the rain stopped. As Dan was about to leave, Vic came in the front door. Startled, Dan pulled out his gun and fired one shot, missing Vic. Dan then ran out the door. As it turned out, Dan had broken into Vic's house; Dan did not know whose house it was when he broke in.

Dan has been charged with burglary. In this jurisdiction, burglary means the breaking and entering of a dwelling of another, in the nighttime, with the intent to commit a felony therein. What result?

- 1) **A Lawyer's First Step:** Know what you're being asked to do. Ask the client what her goals are. **Law Student's Corresponding First Step:** Closely read the question at the end of the facts.
- 2) **A Lawyer's Step Two:** Understand the client's situation or problem. Interview the client; do factual investigation if necessary. **Law Student's Corresponding Step Two:** Closely read through the fact pattern the first time simply for an understanding of what happened.
- 3) **A Lawyer's Step Three:** Research and identify the law that applies to your client's particular situation. **Law Student's Corresponding Step Three:** Identify the rule or rules that apply to the facts given. Here, I've given you the rule (Burglary) that applies. How many "elements" are there in that definition of Burglary? Break them down and list them below. (See attached facts/issues chart)
- 4) **A Lawyer's Step Four:** Identify the legal issues that your client's situation raises. **A Law Student's Corresponding Step Four:** Read through the fact pattern **again** matching the elements of burglary with their corresponding relevant facts. (See chart and "match" the facts from the essay question that apply to each element of burglary.)
- 5) **A Lawyer's Step Five:** Home in on the relevant "issues" for your client. Identify which elements are "at issue" and which are not at issue. **A Law Student's Corresponding Step Five:** Same
- 6) **A Lawyer's Step Six:** Analyze the relevant issues for your client, predicting clearly to the client how a court would likely rule in this case on these issues. Explain the strengths and weaknesses of the case and give an educated, thoughtful prediction of the client's chances of success, if any. **A Law Student's Corresponding Step Six:** Analyze the relevant issues, explaining the arguments on both sides (where they exist) using both facts and law. For each issue, explain to your professor how a court likely will resolve these issues. (See sample answer.)