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PREFACE

LEGAL LOGIC – Law school, contrary to popular misconception, does not teach “The Law”. The best law schools are designed to teach students, first and foremost, to think like a lawyer. The law develops and changes. What you learn at law school to be doctrinally correct is likely to have changed by the time you come to practise. The skill, however, will never be out of date. It will serve to help you to maintain and update your doctrinal knowledge.

To think like a lawyer is a skill that can be learnt. Law school is a process of being inculcated with legal logic; that is, to understand and be able to practise the rules that govern legal argument and reasoning, and to form habits of mind that allow you to see things in a particular way. Like practitioners of many other disciplines, lawyers are trained to think about issues from a particular perspective.

Consider this engineering joke:

An engineer, a priest and a doctor are playing a round of golf. Ahead of them is a group playing so slowly that, frustrated, the three ask for an explanation. “That’s a group of blind firefighters”, they are told. “They lost their sight saving our clubhouse last year, so we let them play for free.”

The priest says: “I’ll say a prayer for them tonight.”

The doctor says: “I’ll ask my ophthalmologist colleagues if anything can be done for them.”

And the engineer says: “Why can’t they play at night?”

Each demonstrates the training of their profession. The priest turns to prayer, addressing the spiritual needs of the firefighters. The doctor offers medical care. Only the engineer tries to solve the immediate problem with a practical suggestion. A lawyer would have different questions: “Whose fault was it that the firefighters were blinded? Have the firefighters been compensated for their blindness? Who is paying their medical bills and caring for them?”

An example: in 2009 and 2010, some of Toyota’s cars had a sticky accelerator pedal problem which led to customer complaints about the safety of the vehicles.