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Today's Agenda

- Housekeeping
- Deductive and analogous reasoning
- Patterson v. McLean Credit Union
 - Case briefing (IRAC) practice
- Assignment for next time

Housekeeping

- New class times: 14:10-15:55
- Questionnaire
- US Constitution: Everybody needs to obtain a copy and bring it to class next time.

Deductive and analogous reasoning

- **Deductive reasoning:** The facts fit within the rule(s).

Example

- **Issue:** Is assault with a gun a felony?

- **Rules:**

- Statute: Assault with a deadly weapon is a felony.

- Common law: A gun is a deadly weapon.

- **Analysis:** Because a gun is a type of deadly weapon according to common law...

- **Conclusion** from deduction: ...assault with a gun is a felony.

Deductive and analogous reasoning

- **Analogous reasoning:** The facts do not fit within the rule, but are deemed similar enough in relevant respects...

Example:

- **Issue:** Is hitting someone with your car a felony?
- **Rules:**
 - Statute: Assault with a deadly weapon is a felony.
 - Common law: Silent regarding status of car as a deadly weapon.
- **Analysis:** A car is not intended to be used as a weapon. However, it is similar to a weapon in that it can be dangerous (can be used to cause harm to others) and is a restricted item (requires a license). In this context it could be seen to be sufficiently analogous to a weapon such that it falls within the terms of the statute.
- **Conclusion by analogy:** Assault with a car is a felony.

In-Class Group Assignment

Write an IRAC analysis for the Patterson case.

- Issue(s):
- Rule:
- Analysis:
- Conclusion:

Caution: The entire case was NOT assigned. Use only the pages of the opinion in the assignment!

Assignment:

[Li v. Yellow Cab Co., 13 Cal. 3d 804 \(1975\).](#)

- Textbook pages 40-43 or
- The Westlaw version in pdf -- highlighted portions of pages 5 - 34 only -- available for download on the course website

AND

Articles I, II, III & IV of the US Constitution. Everyone should obtain a copy of the US Constitution and bring it to class.