Please skim through the entire *Scope of Search Incident to Arrest* section of the brief that you received from the author identified above and answer the following questions to the best of your ability, focusing on the questions that correspond with the time segment (1, 2, 3, or 4) in which you receive the particular paper. Note that all of the questions in a given section may not be applicable to the excerpt that you were given, so just move on if a question does not apply.

**SESSION 1: GENERAL ANALYSIS AND RULE STATEMENTS**

- **General Analysis:**
  
  - Skim the point headings throughout the excerpt. Do you see all of the most relevant issues regarding the scope issues (both duration and nature of place searched) addressed in the point headings? Are there additional factors/issues that you would expect to see analyzed that do not appear in the headings? Identify any “missing” issues below.

- **Rule statements:**
  
  - Identify an example of a strong rule for a factor or element (give its page number and a substantive summary of its content) and explain why you think it is strong.
o Did you see any rule statements that you thought were too general? If so, identify one and explain how you think it could be more specific.

o How could the author's rule statement(s) be more concise and persuasive? (Give an example here or write on your partner's paper itself.)

o Is the nature of the applicable test clear from the rule statements for each component of the scope analysis? (For example, is there some weighing/balancing involved, or is it an element-based test, or bright-line rule test, or rule/exception test?) Explain your response using a specific example from the excerpt.
SESSION 2: ANALOGICAL REASONING

- Are the author’s conclusions supported through legal analysis based on rules drawn from case law and application of the case law to the client’s case? (Give an example to illustrate your response.)

- Are case comparisons direct and complete? For example, are the facts and reasoning of the case explicitly compared to our case? (Give an example to illustrate your response.)

- Identify a particularly detailed case analogy (give the page number ________). Does the case analogy actually apply the rule stated at the beginning of the sub-section? If not, how would you suggest editing the rule to be consistent with the conclusion reached from the case analogy?
SESSION 3: COUNTERARGUMENTS

○ Are "harmful" cases and facts adequately distinguished or explained for the reader? (Give an example to illustrate your response.)

○ Are negative factors for the client addressed? If not, identify what factors that support the other side’s position are omitted from the analysis.

○ Does the author address the likely counterarguments in a way that emphasizes the rebuttal to the counterargument in the paragraph/sentence rather than emphasizing the opponent’s argument? (Explain or give an example)
SESSION 4: STRUCTURE, PERSUASIVENESS, AND POLISHING

Please skim the scope section(s) as a whole and answer the following questions. Note that some questions ask you to circle Bluebooking and polishing errors that jump out at you, so watch for those as you skim. Whether or not the reviewer has time to consider all of these questions, the author should consider them as s/he continues to revise the brief and should apply them to the brief as a whole as well as the particular excerpt reviewed in class.

ORGANIZATION

- Does the author provide a clear roadmap for each issue with multiple sub-issues, and are those sub-issues organized in the most persuasive manner for the client (i.e., so that stronger arguments are placed in positions of emphasis and weaker points are minimized)?

- Skim only the conclusions in each subsection, or for each sub-point if subsections are not used, in the excerpt. Does the author include a clearly-stated conclusion on each sub-issue before moving on to the next one?
PERSUASIVENESS

- Could you identify a core theory in this excerpt? What is it?
- If no core theory is apparent, can you suggest one that seems to be consistent with the arguments made?

POLISHING

- Are there citations after every proposition that comes from an authority (including material taken from the transcript) or that states a legal rule? (Indicate in the text where you think a citation would be helpful.)
- Do you spot any polishing errors, such as inconsistent citation form (regardless of whether you know what the correct form is offhand), spelling or typographical errors? (Circle them in the text)
- Do you spot any phrases that can be edited for conciseness, such as unnecessary prefices (“It is important to note that. . .”); “The Supreme Court has ruled that. . .”) or wordy phrases (“in order to” instead of “to”; “for the purpose of” instead of “for”)? (Circle them in the text)