

Preface

NEW TO THIS EDITION

For this eighth edition, we have updated the law, our NetNotes, and added new Discussion Questions and Legal Reasoning Exercises, including questions that require students to find the laws and legal processes within their own state. We have combined Chapter 1, Introduction to the Study of Law, and Chapter 2, Paralegals in the Legal System and renamed the combined chapter Introduction to the Study of Law and the Paralegal Profession. Chapter 16, Criminal Law, and Chapter 17, Criminal Procedure, now appear right after Chapter 10, Torts, so that instructors can better compare and contrast civil litigation and criminal law. Instead of Web Exercises, a focus on using the Internet is now woven into each chapter.

The impact of recent U.S. Supreme Court decisions as well as changes to the legal system caused by the stresses created by Covid are integrated throughout the text. Chapter 1, Introduction to the Study of Law and the Paralegal Profession (new integrated chapter emphasizing not only employment by law firms, but also jobs that require a legal background, a broader discussion of access to justice, including whether to allow nonlawyers to perform some legal functions); Chapter 2, Sources of Law (enhanced discussion of the changing role of *stare decisis*); Chapter 3, Classification of the Law (inclusion of the concept of *res judicata*); Chapter 5, Finding and Interpreting Enacted Law (new Discussion Questions on *West Virginia v. EPA*); Chapter 6, Finding and Interpreting Court Opinions (expanded discussion of *stare decisis*, including Discussion Questions on *Dobbs v. Jackson Women's Health Organization*); Chapter 8, Legal Ethics changes to the ABA Rules of Professional Conduct and Ethics Opinions, and the expansion of remote online notarization, including its quick expansion resulting from early COVID 19 restrictions); Chapter 9, Civil Litigation and Its Alternatives (added discussion of the Ending of Forced Arbitration and Sexual Harassment Act of 2021 and new Practice Tips regarding trial related paralegal tasks); Chapter 10, Torts (expanded discussion of torts and social media as well as torts and the special legislative rules for Internet media platforms and marketplaces); Chapter 11, Criminal Law (added a number of Discussion Questions regarding prosecutions for opioids, tech start-ups, and crypto currency, enhanced discussion of crimes affecting government functions, updated information on scienter and Supreme Court opinions impacting criminal law); Chapter 12, Criminal Procedure (added *Mitchell v. Wisconsin*, driving under the influence and *Carpenter v. U.S.*, cell phone searches); Chapter 15, Laws Affecting Business (added a section on Bankruptcy Law, and retitled Employment Law to Employment and Labor Law with a new focus on different aspects of labor law); and Chapter 16,

Family Law (added *Terrell v. Torres*, the disposition of cryogenically preserved embryos and *Dobbs v. Jackson Women's Health Organization* overturning *Roe v. Wade*).

APPROACH

As the title indicates, this book uses a critical thinking approach to introduce its readers to the study of law. Although it was specifically designed to be used as a text in introductory paralegal courses, general prelaw students, criminal justice majors, government majors, pre-business students, and anyone wishing to know more about the law will also find it useful.

Rather than taking an approach that emphasizes the memorization of definitions and rules, *Introduction to Law for Paralegals: A Critical Thinking Approach* focuses on the basic foundations of the law and of the legal reasoning process. In addition to presenting an overview of the legal system, this book teaches the basic skills necessary to read and understand statutes and court cases.

We use this critical thinking approach because we believe it is the best way for students to learn the fundamental principles of law. By learning how to read and interpret statutes, cases, regulations, and court documents, students will be better able to learn how to perform paralegal duties in a variety of specialty areas. Therefore this book emphasizes careful reading for detail, analytical thinking, and the written presentation of arguments.

Another key element of this critical thinking approach is the interactive nature of the book. We have included Hypothetical Cases, Discussion Questions, Legal Reasoning Exercises, Practice Tips, and Ethics Alerts to stimulate students to think about and discuss the underlying assumptions behind various aspects of the law and the ramifications of different approaches to legal problems. We purposely dispersed these items throughout the chapters so that the students would be encouraged to think about them while the material is fresh from recent reading and to be readily available for instructors to use as springboards for classroom discussion. While we did relegate the review questions to the end of each chapter, we have labeled them with the pages they cover so that you can easily assign just part of a chapter with its accompanying review questions.

ORGANIZATION OF THE BOOK

Part 1, Paralegals and the American Legal System, introduces students to the study of law, the organization of the legal system, and the role of paralegals in that system. It covers such topics as sources of the law, the different ways in which law is classified, and various stages involved in litigation.

Part 2, Finding and Analyzing the Law, presents the basic tools used to find and analyze the law. These chapters are the basis on which we build the critical thinking skills students need for reading and analyzing the law. Chapters 5 and 6 cover finding and interpreting statutory law and court opinions. In Chapter 5, students are also introduced to the IRAC approach to legal analysis. In Chapter 7, the IRAC method is discussed in more depth and students are shown how to report research findings in a legal memorandum.

Part 3, Legal Ethics and Substantive Law, leads off with a chapter on legal ethics that covers confidentiality, conflicts of interest, and the unauthorized practice of law. In our experience, if an ethics chapter is at the end of a book and hence covered near the end of the semester when time is necessarily tight, the topic of ethics does not receive the full attention it deserves. Therefore, we have placed it at the beginning of the substantive law chapters. Other chapters in Part 3 introduce students to the basic terms and concepts in the areas of torts, civil litigation, criminal law, criminal procedure, contracts, property and estate, business, and family. In each chapter we blend traditional case law with a discussion of cutting-edge developments to give students a solid foundation in traditional concepts and an appreciation of the dynamic nature of law.

Some instructors may wish to alter the sequence in which they cover the chapters. For example, some may wish to cover the materials on legal ethics (Chapter 8) immediately following Chapter 1 rather than waiting until after the students have completed Part 2 on legal analysis. However, students need to develop the skills taught in Part 2 to be able to fully benefit from the discussion questions and legal reasoning exercises included in Part 3.

Key Features

Among the many features that set this book apart are

- Chapter Objectives
- Beginning of the chapter case hypotheticals
- Discussion Questions integrated into each chapter
- Legal Reasoning Exercises
- Marginal definitions of key terms
- Practice Tips
- Ethics Alerts
- NetNotes
- Review Questions
- Appendixes on good writing, legal citation, and legal research

Because this book stresses the critical thinking approach, we illustrate our points with hypothetical situations and with real case decisions that students will understand and to which they can relate. The cases cover such topics as changes to the legal system as a result of COVID, the overturning of *Roe v. Wade*, laws regarding driving under the influence, and how the laws are used to address new issues such as defamation spread through the Internet, cellphone searches, and torts for injuries caused by a product purchased from an online platform. We have also included such “classics” as *McBoyle v. United States*, *Palsgraf v. Long Island Railroad*, and *Mapp v. Ohio*. Our philosophy in editing these and other cases was to retain enough of the court’s wording to give students a realistic feel for how judges actually write and to allow students to develop their critical thinking skills. We deleted nonessential information in order to keep each case a reasonable length.

Furthermore, the cases are fully integrated into the text. Many times, these cases are cross-referenced in other cases and used to show how the courts build

on precedent and modify it in response to changing societal conditions. Discussion Questions and Legal Reasoning Exercises call on students to carefully analyze these cases and apply them to hypothetical situations.

Ethics Alert boxes are placed throughout the text to draw attention to the ethical issues involved in various aspects of the law. These boxes warn students of actions that would be considered unethical; they also give advice on how to act appropriately. Practice Tip boxes provide checklists and other “words of wisdom” regarding practical paralegal tasks. They are placed appropriately throughout the text. NetNotes provide students with handy links to key Internet resources. This text also includes questions that ask students to find information on the laws of their own state.

Also of special note are the appendixes. Appendix A contains the full text of the U.S. Constitution. Appendix B provides students with a convenient and easy-to-understand primer on the basics of grammar, including verb tense, pronoun agreement, placement of modifiers, punctuation, and style. Appendix C is a quick reference for proper legal citation form. Appendix D contains basic information on how to conduct legal research, both in the books and online.

An instructor’s manual that includes suggested answers for all the Discussion Questions, Review Questions, Legal Reasoning Exercises, and Teaching Tips, is available to help teachers make the most effective use of this book. Also available is a PowerPoint presentation to assist with classroom lectures and a test bank.

RELATIONSHIP TO THE AUTHORS’ OTHER TEXTS

Those familiar with *Introduction to Paralegal Studies: A Critical Thinking Approach* and *The Study of Law: A Critical Thinking Approach* will recognize many similarities to this text. All three books emphasize the “critical thinking approach” to understanding the law. All three include excerpts from court cases, discussion questions, NetNotes, practice tips, and references to ethical questions. Topics such as sources of law, classification of the law, structure of the court system, overviews of civil and criminal litigation, overviews of torts, contracts, property, and criminal law, and analysis of statutes and cases are covered in all three books.

The major differences are that this book and *Introduction to Paralegal Studies* are specifically directed at paralegals, while *The Study of Law* is directed at a more general audience. *Introduction to Law for Paralegals* goes into more detail in its coverage of substantive areas of the law, while *Introduction to Paralegal Studies* includes chapters on interviewing, investigations, and computerized case management.

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