

# PREFACE

This book is designed as an introductory text on American law and the legal system. It is meant for undergraduate students in political science, sociology, criminal justice, and legal studies, as well as students in paralegal programs. Our goal is to introduce students to basic legal concepts, principles, and procedures. Of necessity, we have painted with a broad brush, as American law and legal procedures are extremely complex, highly dynamic, and vary considerably across jurisdictions.

## Organization

The book is divided into four parts:

- Part I provides the foundations of American law and the American legal system. It discusses the development of American law from its common law origins (Chapter 1) as well as the institutions and actors that comprise the legal system today (Chapter 2).
- Part II is devoted to public law, which embraces those fields of the law that involve government, usually as a party to a case. Part II includes separate chapters on constitutional law (Chapter 3), civil liberties (Chapter 4), civil rights (Chapter 5), criminal law (Chapter 6), and administrative law (Chapter 7).
- Part III examines those areas of the law that are often subsumed under the heading of “private law,” given that they deal primarily with the rights and duties of private parties. Increasingly, these areas of the law are affected by public policies, and our treatment of these topics reflects that trend. Chapter 8 examines torts, injuries that are redressed through civil suits for damages, including class actions brought against large companies for products liability and environmental damages. Chapter 9 discusses private property rights, including intellectual property rights. The chapter gives considerable attention to government takings of land through eminent domain and government regulation of land use. Chapter 10 is devoted to contracts and business law, including the important topic of consumer protection. This chapter devotes considerable attention to business associations such as partnerships and corporations. Chapter 11 deals with family law and addresses a number of today’s very important issues, including the changing nature of marriage and family structures, reproductive decisions, and refusal of medical treatment. Of particular importance here is the Supreme Court’s 2022 decision overturning *Roe v. Wade* and returning abortion policy to the states.
- Part IV provides an overview of legal procedure. Chapter 12 examines procedures in civil cases and includes a section on the rules of evidence. Chapter 13 looks at procedures in criminal cases, from search and seizure through trial and sentencing. Finally, a separate chapter on appellate procedure (Chapter 14) describes appeals in the civil, criminal, and administrative contexts.

## Special Features

To the beginning student, an introduction to the law can be somewhat overwhelming. To make the book more accessible and useful to the student, every chapter contains a list of learning objectives, a chapter outline, a chapter summary, and a set of boldfaced key terms, all of which are defined in the glossary. To make the book more provocative, each chapter also contains a set of questions for thought and discussion. For the student who

wishes to learn more about the topics addressed in the book, each chapter contains a list of additional reference materials.

Because judicial decisions are central to the development of the law, we have incorporated a feature entitled “Case in Point.” Each entry is a short summary of a significant court decision. Students also will find a set of “Sidebar” features throughout the book. These features provide miscellaneous information relevant to chapter topics. For example, see the Sidebar in Chapter 8, “The Infamous McDonald’s Coffee Case,” which is of interest to every student of tort law. Other Sidebar features focus on such topics as civil disobedience (Chapter 1), sanctuary states and cities (Chapter 3), and federal laws regulating firearms (Chapter 4). We hope that these features will make the text more informative and more interesting.

Finally, we extend our appreciation to the editorial staff at Aspen Publishing for their encouragement and support throughout this project. A particular word of thanks is due Nicholas T. Lasoff and Suzanne Rapcavage for their responsiveness, knowledge of the subject matter, and attention to detail in the editing process.

Of course, we assume full responsibility for any errors of commission or omission contained in these pages.

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