

Contents

<i>List of Illustrations</i>	<i>xxxi</i>
<i>Preface</i>	<i>xxxiii</i>
PART 1 The American Legal System	1
Chapter 1 Introduction to the Study of Law	3
Chapter Objectives	3
Introduction	3
<i>Case 1: The Distressed Grandfather</i>	4
<i>Case 2: The Harassed Student</i>	4
A. Why Study Law	5
B. Legal Analysis	5
1. Identifying the Relevant Facts	6
2. Reading and Understanding the Appropriate Legal Rules	6
a. Understanding Enacted Law: Constitutions, Statutes, Ordinances, and Regulations	7
b. Understanding Court Opinions	8
(1) How to read a court opinion	8
Discussion Question 1	8
(2) Sample case: <i>Dillon v. Legg</i>	11
(3) Briefing court opinions	14
(a) Reasons for briefing cases	14
(b) Format of a case brief	14
(4) Sample brief for <i>Dillon v. Legg</i>	18
3. Applying the Legal Rules to the Facts	20
Discussion Questions 2-3	21
Chapter Summary	21
Critical Thinking Exercises	21
Review Questions	22
Chapter 2 Functions and Sources of Law	23
Chapter Objectives	23
Introduction	23
<i>Case 3: The Pregnant Waitress</i>	24
A. Functions and Theories of Law	25
1. Functions of Law	25
2. Theories of Jurisprudence	26
Discussion Questions 1-4	26

B.	Sources of Law	27
1.	Constitutional Law	27
a.	Organization of Government	28
b.	Protection of Individual Rights	28
c.	Power of Judicial Review	29
	Discussion Questions 5-6	30
d.	State Constitutions	31
	<i>York v. Wabkiakum School District No. 200</i>	31
	Case Discussion Questions	33
2.	Statutory Law	33
3.	Administrative Law	35
	<i>Loper Bright Enterprises v. Raimondo</i>	38
	Case Discussion Questions	39
	Discussion Question 7	40
4.	Common Law	40
	Discussion Question 8	42
5.	The Hierarchy of Laws	43
	Chapter Summary	44
	Critical Thinking Exercises	46
	Review Questions	46
Chapter 3	Classification of the Law	49
	Chapter Objectives	49
	Introduction	49
	<i>Case 4: The Boston Marathon Bombings</i>	50
A.	Federal versus State Law	51
1.	Federal Law	51
	<i>Gonzales v. Raich</i>	53
	Case Discussion Questions	55
2.	State Law	56
3.	The Supremacy Clause and Preemption	57
	<i>Arizona v. United States</i>	59
	Case Discussion Questions	61
4.	Application of Federal versus State Law	61
5.	Summary	62
	Discussion Questions 1-2	62
B.	Criminal versus Civil Law	63
1.	A Comparison of Criminal and Civil Law	63
a.	Double Jeopardy and Res Judicata	63
b.	Type of Harm	63
c.	Names of the Parties and the “Prosecutor” of the Claim	64
d.	Standard of Proof	64
	Discussion Questions 3-4	65
	<i>In re D.T.</i>	66
	Case Discussion Questions	68
e.	Judgment	68
f.	Sanctions/Remedies	68
g.	Sources of Law	68
h.	Summary	69

2.	Criminal Law	69
a.	Types of Crimes	69
b.	Establishing a Prima Facie Case	69
c.	Defenses	70
3.	Civil Law	70
a.	Establishing a Prima Facie Case	70
b.	Defenses	71
c.	Damages	71
d.	Areas of Civil Law	72
	(1) Contract law	72
	(2) Property	72
	(3) Torts	73
	<i>Case 5: Mr. Whipple</i>	73
	Discussion Question 5	74
C.	Substantive versus Procedural Law	75
	Chapter Summary	76
	Critical Thinking Exercises	76
	Review Questions	78
Chapter 4	The Court System and the Role of Judges	81
	Chapter Objectives	81
	Introduction	81
	<i>Case 6: Alibi to a Murder</i>	82
A.	Trial versus Appellate Courts	82
1.	Trial Courts	83
2.	Appellate Courts	84
a.	Questions of Law	84
	Discussion Question 1	85
b.	Reversible Errors	85
c.	The Structure of Appellate Decisions	86
3.	Summary	86
	Discussion Questions 2-3	87
B.	Federal and State Court Systems	87
1.	The Federal System	88
a.	U.S. District Courts	89
b.	U.S. Courts of Appeals (Circuit Courts)	89
c.	U.S. Supreme Court	91
	Discussion Questions 4-5	92
d.	Other Federal Courts	93
2.	State Court Systems	94
	Discussion Questions 6-8	96
3.	Choice of State or Federal Court	96
	Discussion Question 9	98
C.	The Role of Judges in Interpreting and Applying the Law	99
1.	Doctrine of <i>Stare Decisis</i>	99
	<i>Dobbs v. Jackson Women’s Health Organization</i>	100
	Case Discussion Questions	102
2.	Mandatory v. Persuasive Authority	103
3.	Legislative Dominance	103

4. Approaches to Statutory and Constitutional Interpretation	104
5. Conclusion	106
Discussion Questions 10-11	106
Chapter Summary	107
Critical Thinking Exercises	107
Review Questions	109
Chapter 5 Civil Litigation and Its Alternatives	111
Chapter Objectives	111
Introduction	112
<i>Case 1: The Distressed Grandfather (Continued)</i>	112
<i>Case 3: The Pregnant Waitress (Continued)</i>	113
A. Alternative Dispute Resolution (ADR)	113
1. Mediation	114
Discussion Question 1	115
2. Arbitration	115
Discussion Questions 2-4	116
B. Litigation	117
1. The Pretrial Stage	117
a. Preliminary Matters	119
(1) Legal grounds for the suit	119
Discussion Question 5	119
(2) Parties to the suit	120
(a) Standing	120
(b) Legal competence	121
(c) Class action lawsuits	121
Discussion Question 6	122
(d) Selecting the appropriate defendants	122
(3) Selection of the court	122
(a) Subject matter jurisdiction	123
(b) Personal jurisdiction	123
<i>Dailey v. Popma</i>	125
Case Discussion Questions	126
(4) Statutes of limitations	127
(5) Exhaustion of administrative remedies	127
b. Pleadings	128
(1) The complaint	129
(2) The summons	131
(3) The answer	131
c. Pretrial Motions to End Part or All of the Litigation	132
(1) Rule 12 motions to dismiss	134
(2) Rule 56 motions for summary judgment	134
(3) Appealing a summary judgment or motion to dismiss	135
d. Discovery	135
(1) Interrogatories	136
(2) Depositions	137

(3) Requests for admissions	138
(4) Requests for documents and physical examinations	138
(5) Electronic discovery	138
(6) Enforcing discovery rights	138
Discussion Question 7	139
e. Settlement or Pretrial Conference	139
2. The Trial	139
a. The Right to a Jury Trial	140
b. Jury Selection	140
Discussion Questions 8-11	141
c. Opening Statements	142
d. Presentation of Evidence	142
Discussion Questions 12-14	144
e. Closing Arguments	144
f. Jury Instructions	145
Discussion Question 15	145
g. Jury Deliberations, Verdict, and Judgment	145
h. Post-Trial Motions	146
3. The Appeal	146
a. The Timing and Filing of the Appeal	146
b. The Scope of the Review	147
c. Oral Arguments	148
d. The Decision and Its Publication	148
e. Further Appeals	148
Chapter Summary	149
Critical Thinking Exercises	150
Review Questions	151
PART 2 Substantive Law and Ethical Issues	153
Chapter 6 Constitutional Law: Civil Rights and Civil Liberties	155
Chapter Objectives	155
Introduction	156
<i>Case 7: The Constitutionally Challenged School District</i>	157
Discussion Question 1	158
A. First Amendment: Freedom of Expression	158
1. Use of Balancing Tests	160
Discussion Questions 2-3	162
2. Types of Expression	162
a. Pure Speech and Symbolic Speech	163
<i>Texas v. Johnson</i>	163
Case Discussion Questions	166
Discussion Question 4	167
b. Campaign Activities and Political Contributions	167
Discussion Question 5	167
c. Commercial Speech	168
d. Speech Not Protected by the First Amendment	168

(1) Pornography, obscenity, and indecent speech	169
Discussion Question 6	170
(2) Fighting words, threats, and hate speech	170
a. Fighting words	170
b. True threats	170
c. Hate speech	171
Discussion Questions 7-10	172
3. Time and Place Restrictions	173
4. Content Neutrality	173
5. The Chilling Effect of Overbreadth and Vagueness	174
B. First Amendment: Freedom of Religion and the Establishment Clause	175
Discussion Question 11	177
1. The Free Exercise Clause	178
Discussion Questions 12-13	179
<i>Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission</i>	180
Case Discussion Questions	182
Discussion Questions 14-15	183
2. The Establishment Clause	183
<i>American Legion v. American Humanist Association</i>	184
Case Discussion Questions	185
3. Overlap and Potential Conflict between the Establishment and Free Exercise of Religion	187
<i>Kennedy v. Bremerton School District</i>	187
Case Discussion Questions	189
C. Second Amendment: Right to Bear Arms	190
Discussion Questions 16-19	193
D. Due Process	193
1. Procedural Due Process	194
2. Substantive Due Process	194
E. Equal Protection	195
1. Standards/Tests Applied	196
a. Standard Scrutiny (or the Rational Basis Test)	196
b. Strict Scrutiny (or the Compelling Interest Test)	196
c. Intermediate (or Heightened Scrutiny) Standard	197
2. Choosing the Proper Standard	197
3. Types of Discrimination	198
a. Race Discrimination	199
<i>Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.</i>	199
Case Discussion Questions	201
b. Sex Discrimination	201
<i>United States v. Virginia</i>	202
Discussion Questions	204
c. Sexual Orientation and Gender Discrimination	204
Discussion Question 20	204
d. Age Discrimination	205

e. Economic Discrimination	205
Chapter Summary	206
Critical Thinking Exercises	206
Review Questions	207
Chapter 7 Torts	209
Chapter Objectives	209
Introduction	209
<i>Case 8: The Mishit Softball Game</i>	211
A. Intentional Torts	212
<i>Case 9: The Abused Spouse</i>	212
1. Harm to a Person's Body, Reputation, or Emotional Well-Being	213
a. Assault and Battery	213
(1) The elements of assault and battery	213
<i>Knight v. Jewett</i>	215
Case Discussion Questions	216
(2) The defenses to assault and battery	216
<i>Katko v. Briney</i>	217
Case Discussion Questions	218
b. False Imprisonment	219
(1) The elements of false imprisonment	219
(2) Defenses to false imprisonment	219
Discussion Question 1	219
c. Defamation	219
(1) The elements of defamation	220
(2) Constitutional issues in defamation: The special case of public officials and public figures	220
(3) Defenses to defamation	222
Discussion Questions 2-4	223
d. Invasion of Privacy	223
Discussion Question 5	224
e. Intentional Infliction of Emotional Distress	224
Discussion Questions 6-8	225
2. Harm to a Person's Property	226
a. Trespass to Land	226
b. Trespass to Personal Property and Conversion	226
c. Defenses to Torts against Property	226
3. Other Intentional Torts	227
B. Negligence	227
1. The Elements of Negligence	229
<i>Case 10: The Hot Coffee Case</i>	229
<i>Ewans v. Wells Fargo Bank</i>	230
Case Discussion Questions	231
a. Duty	232
Discussion Question 9	234
<i>Woods v. Lancet</i>	235
Case Discussion Questions	237

Discussion Question 10	238
b. Breach	238
Discussion Questions 11-12	239
<i>Sauer v. Hebrew Institute of Long Island, Inc.</i>	240
Case Discussion Questions	240
c. Cause	240
(1) <i>Palsgraf v. Long Island Railroad Company</i>	242
<i>Palsgraf v. Long Island Railroad Co.</i>	242
Case Discussion Questions	244
(2) Intervening cause	244
<i>Anglin v. State Department of Transportation</i>	245
Case Discussion Questions	248
(3) Duty of care to third parties	248
d. Harm	249
Discussion Question 13	250
2. Defenses to Negligence	250
a. Contributory Negligence	250
b. Comparative Negligence	250
Discussion Question 14	251
c. Assumption of the Risk	251
d. Immunities	252
<i>Irwin v. Town of Ware</i>	253
Case Discussion Questions	254
3. Reckless Behavior	255
<i>Knight v. Jewett</i>	257
Case Discussion Questions	259
C. Strict Liability	260
1. Ultrahazardous Activities	261
2. Products Liability	262
<i>Patch v. Hillerich & Bradsby Co.</i>	262
Case Discussion Questions	264
<i>Doe v. Miles Lab., Inc.</i>	264
Case Discussion Questions	266
3. Defenses to Strict Liability Torts	267
Discussion Questions 15-18	267
D. Remedies	268
<i>Aleo v. SLB Toys USA, Inc.</i>	270
Case Discussion Questions	271
<i>Estate of McCall v. United States</i>	272
Case Discussion Questions	273
Discussion Questions 19-20	273
Chapter Summary	274
Critical Thinking Exercises	274
Review Questions	279
Chapter 8 Contract Law	283
Chapter Objectives	283
Introduction	283
<i>Case 11: Who Owns the Watch?</i>	284

A.	The Uniform Commercial Code (UCC)	284
B.	Types of Contracts	287
	Discussion Question 1	289
C.	The Elements of a Binding Contract	289
	1. Offer and Acceptance	291
	a. Offer	291
	(1) Statements of intent and preliminary negotiations	292
	(2) Terms definite	292
	<i>Lefkowitz v. Great Minneapolis Surplus Store, Inc.</i>	292
	Case Discussion Questions	293
	(3) Termination of an offer	294
	b. Acceptance	295
	<i>Ehlen v. Melvin</i>	297
	Case Discussion Questions	298
	c. Quasi-Contract	298
	<i>AmeriPro Search, Inc. v. Fleming Steel Co.</i>	298
	Case Discussion Questions	300
	Discussion Questions 2-3	300
	2. Consideration	300
	a. Detriment to Promisee or Benefit to Promisor	301
	<i>Hamer v. Sidway</i>	301
	Case Discussion Questions	302
	b. Problems with Consideration	302
	c. Promissory Estoppel	304
D.	Contract Interpretation	305
E.	Defenses to a Valid Contract	305
	1. Lack of Contractual Capacity	306
	a. Minors	306
	<i>Quality Motors, Inc. v. Hays</i>	307
	Case Discussion Questions	308
	b. Intoxication	308
	<i>Lucy v. Zehmer</i>	309
	Case Discussion Questions	311
	c. Mental Incompetence	311
	2. Illegal Contracts and Those That Violate Public Policy	312
	3. Lack of Genuineness of Assent	313
	a. Fraud	313
	<i>Vokes v. Arthur Murray, Inc.</i>	314
	Case Discussion Questions	316
	b. Mistake	316
	c. Undue Influence	316
	d. Duress	317
	4. Breach of Warranty	317
	Discussion Question 4	318
	<i>Webster v. Blue Ship Tea Room, Inc.</i>	319
	Case Discussion Questions	320
	5. Lack of Proper Format—Writing	320

F.	Termination of Contractual Duties	322
1.	By Performance	322
	<i>Jacob & Youngs, Inc. v. Kent</i>	322
	Case Discussion Questions	324
2.	By Agreement	324
3.	When Performance Is Impossible	325
4.	Due to Commercial Impracticability	325
G.	Third-Party Rights	326
1.	Assignment	326
2.	Delegation	327
3.	Third-Party Beneficiaries	327
a.	Intended Beneficiaries	328
b.	Incidental Beneficiaries	328
H.	Damages	328
	<i>Sargon Enterprises, Inc. v. Univ. of Southern California</i>	330
	Case Discussion Questions	332
	Chapter Summary	332
	Critical Thinking Exercises	333
	Review Questions	336
Chapter 9	Property and Estate Law	341
	Chapter Objectives	341
	Introduction	341
	<i>Case 12: Bill and Maria</i>	342
A.	Real Property	342
1.	Rental of Real Property	343
a.	Criteria for Renters	343
b.	The Lease	344
c.	Security Deposits	344
d.	Living Conditions in Rental Units	345
e.	Eviction	345
	Discussion Question 1	346
2.	Buying and Selling Real Estate	346
a.	Listing the Property	346
b.	Negotiations	346
c.	Preparation for the Closing	347
d.	The Closing	348
e.	Land Contracts	348
	Discussion Question 2	348
3.	Limitations on the Use of Real Property	348
	Discussion Question 3	349
a.	Zoning Laws	349
b.	Building Permits and Safety Requirements	350
c.	Restrictive Covenants and Homeowner Association Regulations	350
d.	Easements	351
4.	Involuntary Loss of Property	351
a.	Seizure by a Creditor	351
b.	Eminent Domain	352

Discussion Question 4	354
c. Adverse Possession	354
<i>Steuck v. Easley</i>	355
Case Discussion Questions	355
Discussion Questions 5-8	356
B. Personal Property	356
1. Transfer of Personal Property	357
2. Intellectual Property	357
a. Types of Intellectual Property	357
<i>Matal v. Tam</i>	358
Case Discussion Questions	360
b. Enforcing Intellectual Property Rights	361
Discussion Questions 9-12	362
C. Estate Planning and Probate	363
1. Wills	363
2. Trusts	365
3. Power of Attorney and Medical Directives	366
Discussion Question 13	366
4. Probate	366
a. Challenges to a Will	367
<i>In re Estate of Haviland</i>	367
Case Discussion Questions	369
b. Intestate Succession	369
Chapter Summary	371
Critical Thinking Exercises	371
Review Questions	372
Chapter 10 Laws Affecting Business	375
Chapter Objectives	375
Introduction	376
<i>Case 13: The Four Friends</i>	376
A. The Five Basic Business Forms	377
1. Sole Proprietorship	377
2. Partnership	378
<i>Van Dyke v. Bixby</i>	381
Case Discussion Questions	382
3. Corporation	383
Discussion Question 1	385
4. Limited Liability Company and Limited Liability Partnership	385
<i>Mbahaba v. Morgan</i>	385
Case Discussion Questions	386
B. Financial Transactions	387
1. Commercial Paper	387
2. Secured Transactions	390
3. Bankruptcy	393
<i>Bartenwerfer v. Buckley</i>	394
Case Discussion Questions	395

C.	Agency Law and an Employer’s Responsibility for an Employee’s Act	395
1.	Agency Law	395
2.	Employees versus Independent Contractors	396
3.	Employees and Independent Contractors as Agents	397
4.	Employer’s Liability for Acts of Employees	397
	<i>O’Connor v. McDonald’s Restaurants of California, Inc.</i>	398
	Case Discussion Questions	400
D.	Employment Law and Labor Law	400
1.	At-Will Employment	400
2.	Title VII: Discrimination Based on Race, Color, Religion, Sex, or National Origin	401
	<i>Bostock v. Clayton County</i>	402
	Case Discussion Questions	403
a.	The Three Theories of Discrimination	404
(1)	Overt intentional discrimination and the BFOQ defense	404
	Discussion Questions 2-3	405
(2)	Intentional discrimination—disparate treatment	405
(3)	Unintentional discrimination—disparate impact	407
	Discussion Questions 4-5	408
b.	Harassment	409
	Discussion Questions 6-8	410
c.	Affirmative Action	411
	Discussion Questions 9-10	412
d.	Damage Awards and Other Relief under Title VII	412
e.	Retaliation	414
3.	ADEA: Age Discrimination	414
4.	ADA: Disability Discrimination	417
5.	Other Statutory Protections	419
a.	Regulation of Hours and Wages	419
b.	Family and Medical Leave Act	419
c.	Workers’ Compensation Laws	419
	Discussion Question 11	420
d.	Collective Bargaining and Unfair Labor Practices	420
	Discussion Question 12	420
e.	Occupational Health and Safety Act	421
f.	Employee Retirement Income Security Act	421
	Chapter Summary	421
	Critical Thinking Exercises	422
	Review Questions	425
Chapter 11	Family Law	427
	Chapter Objectives	427
	Introduction	427

<i>Case 14: The Modern Family</i>	428
A. Marriage	429
<i>Obergefell v. Hodges</i>	429
Case Discussion Questions	431
Discussion Questions 1-3	432
1. Consequences of Marriage	433
2. Premarital Agreements	433
Discussion Question 4	434
3. Consequences of Broken Engagements	434
<i>Aronow v. Silver</i>	434
Case Discussion Questions	436
4. Termination of the Marital Relationship	436
a. Annulment	436
Discussion Question 5	437
b. Divorce/Dissolution	437
(1) Divorce procedures	438
(2) Property settlements	440
<i>Terrell v. Torres</i>	441
Case Discussion Questions	442
(3) Alimony/maintenance agreements	442
(4) Custody, visitation, and child support	443
(a) Custody	443
Discussion Question 6	444
(b) Visitation	444
<i>Carroll v. Carroll</i>	444
Case Discussion Questions	445
(c) Custody and visitation rights of others	446
(d) Child support	448
Discussion Questions 7-10	449
B. The Parent-Child Relationship	450
1. Parental Rights in Family Planning: Contraception and Abortion	450
Discussion Question 11	452
2. Assisted Reproduction	452
a. Sperm and Egg Donation	452
Discussion Question 12	453
b. In Vitro Fertilization (IVF)	454
Discussion Questions 13-14	455
c. Surrogacy Contracts	455
Discussion Questions 15-18	456
3. Establishing the Relationship	457
a. Paternity Actions	457
Discussion Questions 19-21	458
b. Adoption	459
Discussion Questions 22-23	460
<i>In re Petition of John Doe and Jane Doe, Husband and Wife, to Adopt Baby Boy Janikova</i>	460

Case Discussion Questions	462
(1) Adoption records	462
(2) Tort of wrongful adoption	463
4. Parental Rights, Responsibilities, and Liabilities	463
5. Child Neglect and Abuse	464
Discussion Questions 24-26	465
6. Legal Status of Minors	466
Chapter Summary	467
Critical Thinking Exercises	467
Review Questions	469
Chapter 12 Criminal Law	471
Chapter Objectives	471
Introduction	471
<i>Case 15: The Cyberbully</i>	472
A. Sources of Criminal Law	472
Discussion Question 1	473
B. Classification of Crimes	473
1. Offenses Against the Person	475
2. Crimes Against Habitations and Property	476
<i>United States v. Barrington</i>	477
Case Discussion Questions	478
3. Crimes Affecting Public Health, Safety, and Decency	478
Discussion Questions 2-4	478
4. Crimes Affecting Governmental Functions	479
C. Elements of a Crime	480
1. Actus Reus	480
<i>Commonwealth v. Robertson</i>	481
Case Discussion Questions	482
2. Mens Rea	483
<i>Commonwealth v. Carter</i>	484
Case Discussion Questions	485
Discussion Question 5	488
D. Parties to the Crime	489
E. Defenses	489
1. Alibi Defense	490
2. Ignorance or Mistake	490
3. Status of the Offender	490
a. Children	490
Discussion Questions 6-7	491
b. Mental Illness	491
<i>People v. Wolff</i>	492
Case Discussion Questions	494
Discussion Questions 8-10	495
c. Intoxication	496
4. Duress and Necessity	496
5. Entrapment	496
Discussion Question 11	496

6. Self-Defense	497
Discussion Question 12	497
7. Use of Force by Police and Military	498
Discussion Questions 13-14	499
8. Constitutional Defenses	499
a. Fifth and Fourteenth Amendments: Void for Vagueness or Overbreadth	500
b. First Amendment: Freedom of Religion or Speech	500
Discussion Questions 15-17	502
c. Double Jeopardy	502
9. Presidential Immunity	503
<i>Trump v. United States</i>	503
Case Discussion Questions	505
F. Punishments	505
1. Theories of Punishment	505
2. Capital Punishment	506
Discussion Questions 18-22	509
3. Mandatory Sentencing	510
a. Mandatory Life Sentence for Minors	510
b. Habitual Offender Statutes	511
Discussion Questions 23-25	512
Chapter Summary	513
Critical Thinking Exercises	513
Review Questions	517
Chapter 13 Criminal Procedure	519
Chapter Objectives	519
Introduction	519
<i>Case 16: People v. Grant</i>	520
A. Participants in the Process	522
B. Investigation of a Crime	522
1. Constitutional Restrictions	523
a. Fourth Amendment	523
b. Fifth Amendment	524
c. Sixth Amendment	524
2. Discovery of the Crime and Initial Actions Taken	525
3. Searches and Seizures of Evidence	527
a. Procedures for Obtaining and Executing Search Warrants	527
b. Exceptions to the Warrant Requirement	529
<i>Mitchell v. Wisconsin</i>	531
Case Discussion Questions	532
<i>Carpenter v. U.S.</i>	533
Case Discussion Questions	535
Discussion Question 1	535
4. Interrogations	536
5. Arrest and Booking	539
C. The Court System	540

1. Formal Charges, Bail, and Initial Appearances	540
2. Grand Juries and Preliminary Hearings	541
Discussion Question 2	543
3. Arraignments	543
4. Discovery, Pretrial Motions, and the Exclusionary Rule	544
<i>Mapp v. Ohio</i>	546
Case Discussion Questions	548
Discussion Question 3	548
5. Plea Bargaining	548
Discussion Question 4	549
6. The Right to a Jury Trial	550
Discussion Questions 5-7	550
7. Trial Procedures	551
Discussion Questions 8-9	552
8. Sentencing	552
9. Appeal	553
10. Writ of Habeas Corpus	553
11. Executive Clemency	554
Discussion Question 10	554
Chapter Summary	555
Critical Thinking Exercises	555
Review Questions	557
Chapter 14 Ethical Dilemmas Facing Attorneys	559
Chapter Objectives	559
Introduction	560
<i>Case 17: The Buried Bodies</i>	560
A. The Adversarial System	561
Discussion Questions 1-2	562
B. Regulation of Attorneys	562
Discussion Questions 3-5	563
C. The Attorney-Client Relationship	564
1. Confidentiality	564
a. Attorney-Client Privilege	564
b. Exceptions to Confidentiality	566
Discussion Question 6	567
<i>People v. Belge County Court of New York, Onondaga County</i>	568
Case Discussion Questions	569
Discussion Questions 7-9	569
c. The Effect of Breaching a Confidence on the Attorney-Client Privilege	571
Discussion Question 10	572
d. Responding to Suspected Client Perjury	572
<i>Nix v. Whiteside</i>	574
Case Discussion Questions	575
Discussion Questions 11-12	576

e. Inadvertent Disclosure of Confidential Information	577
Discussion Questions 13-15	578
2. Conflict of Interest	579
Discussion Question 16	580
<i>Commonwealth v. Croken</i>	581
Case Discussion Questions	583
Discussion Questions 17-18	583
D. Access to Justice	584
1. Providing Services to Unpopular Clients and Causes	584
Discussion Question 19	585
2. Making Legal Services Available to Low-Income Clients	585
<i>Gagnon v. Shoblom</i>	587
Case Discussion Questions	589
Chapter Summary	591
Critical Thinking Exercises	591
Review Questions	593
Appendix A The Constitution of the United States	595
Appendix B NetNotes	607
Alternative Dispute Resolution (ADR)	607
Blogs	607
Business and Employment-Related Information	607
The Court System	608
Criminal Law	608
Family Law	609
Free Legal Research	609
Government Sites	609
Legal Ethics	609
Litigation	610
Primary Material	610
Uniform Laws	610
<i>Glossary</i>	611
<i>Table of Cases</i>	637
<i>Index</i>	643