

# Preface

## NEW TO THIS EDITION

This seventh edition keeps pace with many new developments in the law and the paralegal profession. We have added new topics, expanded others, and incorporated discussions of recent court decisions. We have also included new Legal Reasoning exercises, Discussion Questions, Review Questions, and updated the Web Exercises.

This edition was completed during the Covid pandemic; changes that were happening in the law and how the legal system works were accelerated during this time. We were able to capture those changes in this edition. We also made major organizational changes. Criminal Law and Procedure, Chapter 9 in the sixth edition, was split into two chapters, Chapter 8, Criminal Law and Chapter 9, Criminal Procedures. This change made the chapters more manageable for students to read and understand. We also made it easier to compare and contrast Criminal Law and Criminal Procedure with Civil Litigation and Torts by moving the chapter on Contracts, Chapter 8 in the sixth edition, to Chapter 10 in this edition. This also helped with the flow of the topics that followed in the chapter on Specialized Practice Areas.

## APPROACH

As the subtitle of this book indicates, it uses a critical thinking approach to paralegal studies. Paralegal studies focus on the functions and duties of paralegals in the American legal system. The critical thinking approach to paralegal studies places great emphasis on the development of analytical thinking skills.

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 includes the classification of different types of paralegals and what they do, as well as coverage of the issues of paralegal education, registration, certification, licensure, and ethics. Chapters in this section also cover such topics as sources of the law, the different ways in which law is classified, the structure of the courts, and the various stages involved in litigation and alternative dispute resolution.

Part 2, Substance of the Law, introduces readers to the basic concepts involved in the areas of torts, criminal law, criminal procedure, and contracts and the Uniform Commercial Code. It also provides an overview of specialized practice areas, such as business law, employment and labor law, debt collection and bankruptcy, administrative law, immigration, real estate, intellectual property, estate planning and probate, and family law. Part 3, Legal Analysis and Research, contains chapters that build the critical thinking skills students need for reading and analyzing the law. Chapters 12 and 13 cover finding and interpreting statutory law and court opinions. Chapter 14 discusses basic legal research tools, and Chapter 15 shows students how to apply what they have found to specific legal problems. Chapter 15 also discusses how to use the IRAC approach to legal analysis and how to report research findings in a legal memorandum.

Whereas Part 3 builds skills for finding and analyzing the law, Part 4, Paralegals and the Work World, builds skills related to gathering and managing relevant factual information. Chapter 16 focuses on interviewing while Chapter 17 covers the gathering, preservation, and use of different types of evidence. Chapter 18 introduces readers to case management and the various types of computer programs that attorneys and paralegals can use to manage case information.

## KEY FEATURES

The many features that set this book apart are

- Chapter Objectives
- Discussion Questions integrated into each chapter
- Legal Reasoning Exercises
- Marginal definitions of key terms
- Practice Tips

- Ethics Alerts
- NetNotes
- Web Exercises
- Review Questions
- An appendix on the fundamentals of good writing
- A glossary that includes definitions for all bold-faced words and phrases found in the text

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. Discussion Questions and Legal Reasoning Exercises force the students to synthesize and analyze the material rather than simply regurgitating an answer. The Practice Tips help connect the theoretical textbook learning to the reality of the work world. They provide checklists and other “words of wisdom” regarding practical paralegal tasks. By bringing the text to life, the Discussion Questions, Legal Reasoning Exercises, and Practice Tips all help maintain student attention and aid in the students’ retention of the material.

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. NetNotes provide students with handy links to key Internet resources, and Web Exercises require students to utilize the Internet to find specific types of practical information.

Because so much of learning the law involves mastering legal vocabulary, we have included marginal notes containing key definitions. The end-of-the chapter Review Questions also help students reinforce basic concepts.

Of special note are the appendices. Appendix A contains 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 provides a useful summary of all of the NetNotes found in the text.

An instructor’s manual that includes suggested answers for all the Discussion Questions, Review Questions, Legal Reasoning Exercises, and Web Exercises, as well as 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 an electronic test bank. Instructors can download these materials at the product page that accompanies the text, at [www.AspenPublishing.com](http://www.AspenPublishing.com).

## RELATIONSHIP TO THE AUTHORS’ OTHER TEXTS

Those familiar with *Introduction to Law for Paralegals: 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 Discussion Questions,

NetNotes, references to ethical questions, and either Legal Reasoning or Critical Thinking exercises. 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.

These books differ in terms of their intended audiences. *The Study of Law* is directed at a more general-education/pre-law audience, whereas both the *Introduction to Law for Paralegals* and this text are specifically directed at paralegals. Whereas *Introduction to Law for Paralegals* goes into more detail in its coverage of substantive areas of the law and includes excerpts from actual court opinions, this text provides greater coverage of the role of the paralegal and the types of skills involved in interviewing, investigations, and computerized case management.

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