

Preface

This undergraduate introduction to law and legal studies was first published in 1994 and has enjoyed considerable success throughout the United States. It has been thoroughly revised and updated in this new edition. This third edition provides several new chapters but retains the most unique features of the original text. Part I of the revised text has been thoroughly changed to add information on legal research, tort law, contract law, family law, employment law, and equal protection law.

Part I, *Gaining Familiarity with Basic Legal Concepts*, is designed to introduce sources of law to help students do legal research and find library resources. The addition of Internet sources and research assignments throughout the text are designed to provide initial exposure to where to find the detailed provisions of the law for particular jurisdictions. Review exercises are included in each chapter to aid students in enhancing their familiarity with legal terms and concepts. Initial familiarity with basic legal terms provides an essential orientation to law because it is necessary to know the appropriate term to use to search for detailed legal rules that may vary by jurisdiction.

The text begins with discussion of the expanding legal professions in the United States, including material of great interest to most undergraduate students who are beginning to think seriously about career choices. Students who take this course are considering careers in law-related professions and want a better understanding of what is involved, including what alternatives exist if they are unsuccessful in pursuing a law degree and becoming a professional lawyer. Ethical standards in these law-related fields, including teachers, law enforcement officers, paralegals, and lawyers, are emphasized in this first chapter.

This part of the text also explains the historical background of the ideas that have shaped our law. These fundamental concepts include common law, equity, natural law, positive law, and comparative concepts of jurisprudence. It also discusses the basic structure of our federal system and the constitutional divisions of authority between the states and the national government. This chapter also explains the complex questions of jurisdiction and the hierarchy of both federal and state courts.

It introduces the student to legal research and writing and explains the basic concepts of legal reasoning that will assist the beginning student in reading and understanding case law. Six illustrative cases are included in Appendix B in this text, offering practical examples of the major concepts included in the introductory four chapters of the revised text that compose Part I.

Part II, *Understanding Substantive Civil Law*, covers an introduction to property and contract law, tort law, family law, employment law, and equal protection law. These substantive areas are discussed, and basic principles of these areas of substantive law are explained.

Part III, *Understanding Civil Law Procedure*, is devoted mainly to an elaboration of the various aspects of civil due process of law and it develops a hypothetical case involving a products liability problem from inception through trial. The four chapters devoted to civil litigation in this section introduce basic concepts and documents used in civil litigation. The materials included in Appendix C supply witness statements that may be used to allow students to conduct a mock trial as a participatory exercise to enhance understanding of courtroom procedure.

Part IV, *Understanding Criminal Law Procedure*, develops another hypothetical case in criminal prosecution from the initial facts concerning the crime through the trial. The four chapters devoted to crimes and criminal due process illustrate the fundamental concepts involved in this field, including the pretrial process, plea bargaining, and what is involved in trials for capital offenses. Again, the major emphasis is on practical illustration of the basic terms and concepts involved in criminal prosecution.

Part V, *Understanding Administrative Due Process*, is devoted to explaining basic concepts of administrative due process, or fundamental due process of law. This area of law is of increasing importance in our highly regulated modern society. The differences between civil, criminal, and administrative due process are essential elements of this introductory text.

ACKNOWLEDGMENTS

The authors would like to thank our wives for being so patient with us through this revision and all those who contributed to this endeavor. Especially Steven Silverstein, who first recognized the potential for this revision with Aspen Publishers; David Herzig, acquisitions editor with Aspen; Elizabeth Kenny, developmental editor with Aspen; and Sylvia Rebert, project manager with Progressive Publishing Alternatives, who coordinated the editing.