NEW TO THIS EDITION

For this fourth edition, we have updated the law, the Netnotes, and the Web Exercises, added new Discussion Questions and Critical Thinking Exercises, and incorporated two new features at the beginning of each chapter: “Chapter Objectives” and a short hypothetical to focus students’ on the issues to be discussed in that chapter.

The overall organizational structure of the book remains the same, with the exception that we divided what had been Chapter 12 “Criminal Law and Procedure,” into two separate chapters (Chapter 12 “Criminal Law” and Chapter 13 “Criminal Procedure”). We separated the materials on substantive criminal law from those on criminal procedure to break up what had previously been the longest chapter in the book.

The most significant updating occurred in the following:

- Chapter 3, Classification of the Law: used Boston Marathon bombing case to illustrate issues of federal versus state law and civil versus criminal law; discussion of recent U.S. Supreme Court decision regarding the constitutionality of the Affordable Care Act; and the effect of preemption on state efforts to control immigration.
- Chapter 5, Civil Litigation and Its Alternatives: expanded discussion of e-filing and e-discovery.
- Chapter 6, Constitutional Law: focus narrowed to Civil Rights and Civil Liberties (material on division of powers that was included in this chapter in previous editions moved to Chapters 2 and 3); new hypothetical case on First Amendment rights as applied to students; and new discussion questions relating to *Citizens United* and Koch brothers spending on political campaigns, what constitutes an exercise of religion, and discrimination against LGBT individuals.
- Chapter 7, Torts: new case excerpts on the intentional infliction of emotional distress, products liability, punitive damages and damage caps.
- Chapter 8, Contracts: new case excerpts on counteroffers, unjust enrichment, and anticipated lost profits.
- Chapter 9, Property Law: new case excerpts on adverse possession and undue influence along with enhanced discussion of intellectual property, including trademark issues involving the Washington Redskins.
Chapter 10, Laws Affecting Business: new case excerpt on liability of LLC members for their own actions and new section on statutory protections for workers.

Chapter 11, Family Law: new case excerpts and discussion related to same-sex marriage and custody disputes over pre-embryos.

Chapter 12, Criminal Law: new case excerpts on the crimes of unauthorized access of computer data and “up skirting.”

Chapter 13, Criminal Procedure: excerpts from U.S. Supreme Court decision regarding warrantless searches of cell phones.

APPROACH

As the title indicates, in this book we use a critical thinking approach to introduce readers to the study of law. We designed this book for use in introductory law courses for students in any major, but particularly for those in business, criminal justice, paralegal, prelaw, and political science.

Rather than taking an approach that emphasizes the memorization of definitions and rules, The Study of Law: A Critical Thinking Approach focuses on the basic foundations of the law and on 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 the American legal system functions. Therefore this book emphasizes careful reading for detail, analytical thinking, and presentation of arguments. The hypothetical cases, Discussion Questions, and Critical Thinking Exercises incorporated throughout the text all serve to help develop students’ critical thinking skills.

ORGANIZATION OF THE BOOK

Part 1, The American Legal System, introduces students to the study of law and the organization of the legal 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, Substantive Law and Ethical Issues, introduces students to basic concepts and terminology used in the most prominent substantive areas of law. This section leads off with a chapter on constitutional law, because constitutional law stands at the top of the hierarchy of law and establishes the framework within which the legal system operates. We then go on to cover key fundamental concepts in torts, contracts, property and estate law, business law, family law, and criminal law. 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. The final chapter probes the ethical dilemmas attorneys face in the context of our adversary system.
Instructors may wish to alter the sequence in which they cover the chapters, or even skip parts when time is limited. However, it is best if instructors plan on covering Part One before selecting from the substantive law chapters contained in Part Two.

**KEY FEATURES**

Among the many features that set this book apart are

- the nature of the included cases
- marginal definitions of key terms
- NetNotes
- Critical Thinking Exercises
- Discussion Questions integrated into each chapter
- Web Exercises
- Review Questions

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 AIDS-infected blood transfusions, battered woman’s syndrome, same-sex marriage, flag burning, the insanity defense, search and seizure of automobiles, sexual harassment, surrogate motherhood, and spousal immunity. We have also included such “classics” as *McBoyle v. United States*, *Palsgraf v. Long Island Railroad*, *Brown v. Board of Education*, 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 Critical Thinking Exercises call on students to carefully analyze these cases and apply them to hypothetical situations.

Also of special note are the appendixes. Appendix A includes a complete copy of the U.S. Constitution and Appendix B contains a convenient listing of websites for legal resources.

An instructor’s manual that includes suggested answers for all the Discussion Questions, Review Questions, and Critical Thinking Exercises, as well as teaching tips, is available to help teachers make the most effective use of this book. Also available are PowerPoint slides to assist with classroom lectures and a computerized test bank.

**RELATIONSHIP TO THE AUTHORS’ OTHER TEXTS**

Those familiar with *Introduction to Law for Paralegals: A Critical Thinking Approach* and *Introduction to Paralegal Studies: 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, 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 law, and criminal law, and analysis of statutes and cases are also covered in all three books.

However, where the other two books are specifically designed for paralegal students, this book is directed at a more general audience. In *The Study of Law* we have dropped appendices on legal research and writing and references to tasks performed by paralegals. To better serve the needs of a more general audience, we have increased our coverage of constitutional law and placed more emphasis on general education goals.

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