Introduction to Law

Sixth Edition

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### Chapter 18

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**Major League Baseball Players Ass’n v. Garvey,** 532 U.S. 504 (2001) 516  
**Buckeye Check Cashing, Inc. v. Cardegna,** 546 U.S. 440 (2006) 511
Preface

The study of law attracts students for a variety of reasons. Many see the study of law as a career choice – as the opportunity to become a lawyer, a paralegal, or some other related professional. Some are interested because of personal dealings with the legal system, while others are interested simply because it is a fascinating subject. Whatever reasons motivate the student, an introductory class in law must accomplish certain basic objectives. Students must develop an understanding of the organization of the legal system. They must comprehend basic legal concepts related to procedural and substantive law. Students should also be introduced to cases, statutes, regulations, and the Constitution, the sources of all of our laws. While students in an introductory law class should not be forced to learn about the law entirely through reading cases, some experience in reading cases is essential to learning about the law.

Our years of teaching convince us that any introductory law course must begin with and emphasize the development of a strong legal vocabulary. Also important is the opportunity to use and develop the critical thinking skills so important to any law-related career. Our goal, therefore, in writing this text is to help instructors by providing beginning students with a book that keeps their interest while providing an overview of the organization and operation of the legal system, as well as an introduction to some of the basic concepts of substantive and procedural law. More importantly, however, we have included several features that give students the opportunity to develop a strong legal vocabulary and to build their critical thinking skills.

NEW TO THIS EDITION

Feedback from instructors and students who use this text confirmed that the basic organization and features of this textbook are successful. Students especially appreciate the extensive key term definitions in the margin, the interesting cases, and the wide use of common hypothetical cases to explain the application of legal principles. These features remain in the text. However, the law is not, nor will it ever be, a static entity. Any useful textbook dealing with the law must reflect these changes. As a result, our goal in this edition is to also provide students with the following.

- Updates to the law and exhibits containing current legal forms and court documents
- A broader view of some of the substantive and procedural areas of law
- Updated information on the use of technology in law practice
- Discussion of new court cases illustrating current trends in the development of our laws
- More practice in building critical thinking skills with additional case questions and end-of-chapter exercises.

All chapters have been reviewed, edited, and updated so as to contain current law and legal forms.
In particular, chapters in the sixth edition contain the following additions and updates:

Chapter 3 contains new discussion of administrative hearing representatives and business ethics.

Chapter 4 contains a complete revision and update of the section on computer-assisted research.


Chapter 10 has been completely revamped. Chapter 10 now deals exclusively with contract law. The fifth edition combined contract and property law into one chapter. These are now two separate chapters (Chapter 10 is Contract Law and Chapter 11 is now Property Law). Chapter 10 thus covers more detail regarding basic contract issues especially formation.

Chapter 11 now deals exclusively with various aspects of property law and contains several new cases. The chapter contains a much more detailed discussion of real property law and personal property law (Chapter 11 in the fifth edition was updated and is now Chapter 12).

Chapter 12 now deals with the Business Environment (formerly chapter 11) and contains updated forms, deleting outdated ones.

Chapter 13 now deals with Civil Litigation (formerly chapter 12) and contains an expanded discussion of the federal rules affecting e-discovery and new cases on general v. specific jurisdiction, Goodyear Dunlop Tires Operations, S.A. versus Brown, 564 U.S. 915 (2011) and Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S.Ct. 1773 (2017) (Chapter 13 of the fifth edition was updated and is now Chapter 18).

Chapter 14 contains updated code sections.


Chapter 18 is now the chapter on Alternative Dispute Resolution (Chapter 13 in fifth edition) and contains an expanded discussion of the Federal Arbitration Act and an introduction to concept of Restorative Justice as applied to criminal cases; a new case Buckeye Check Cashing, Inc. v. Cardegna is also included.
INSTRUCTIONAL AND LEARNING FEATURES OF INTRODUCTION TO LAW

The many features of Introduction to Law make it an excellent choice for both the student and the instructor. Students will find an easy-to-read text with a built-in dictionary, realistic factual situations, and high-interest cases. Instructors will find an organized text containing questions to help students review text material, hypothetical situations for class analysis and discussion, and assignments in each chapter. Introduction to Law contains the following features:

- **Numerous charts and tables** illustrate and clarify legal concepts.
- **Legal vocabulary** is identified in boldface type. The key terms are defined in the margins of the text where the terms appear, and are also listed at the end of each chapter for review.
- **A chapter-opening case file** contains a hypothetical factual situation that introduces the subject matter, encouraging students to think about the subject matter in a law office or everyday setting, rather than simply as more textual reading.
- **Carefully selected and edited case law** appears in each chapter. The case law introduces students to reading the law and assists with the development of critical thinking skills. The cases are interesting and even familiar. Most cases have been edited in an effort to shorten them and to give beginning students the opportunity to ascertain the important concepts of the case without being confused. (In editing the cases, we have taken some liberties with normal rules of editing.) To assist the student, we have also provided a brief introduction to most cases, as well as questions for case analysis following the case.
- **Most chapters provide the names of Internet sites that are relevant to the material in the chapter.** A **Featured Website** in each chapter provides an overview of one important website, along with student assignments using the site.
- Internet references to international organizations, laws, and legal resources appear in each chapter in a feature titled **A Global Perspective**. This feature allows students to explore global influences on the legal system as well as to compare the U.S. legal system with that of other nations.
- **Many chapters include a feature called A Point to Remember.** This practical information helps students focus on the skills and concepts that will help them in their legal studies.
- **Each chapter includes a feature called Ethical Concerns: What Should the Lawyer Do?** This feature encourages students to consider ethical ramifications of daily experiences of legal professionals.
- A complete **Glossary** at the end of the text contains definitions for all highlighted key terms used in the text.
- A **mock trial** is presented in Appendix II, and a Basic Citation Reference Guide is included as Appendix III. The mock trial could be used at the end of Chapter 17 (“The Trial”). We have found that a mock trial is fun and memorable for students. We have provided the basic fact pattern and the legal issues. The trial is a good opportunity for students to apply the materials presented in the preceding chapters.
- **Links to additional case law** are found on the book’s website at www.pearsonhighered.com/careersresources.
End-of-Chapter Concept Review, Critical Thinking, and Skill-Building Exercises

- A Chapter Summary is included in every chapter. The summaries are short overviews of the major concepts covered in the chapter.
- Questions for Review follow each chapter summary. These questions help the student focus on the most important concepts in the chapter.
- Application and Analysis Problems at the end of each chapter require the student to apply the concepts covered in the chapter.
- The Assignments and Projects section contains hands-on activities to help the student build necessary skills.
- Skills Assessment provides students with an opportunity to test a variety of skills needed to survive in a law office.

Instructor Supplements

Instructor’s Manual with Test Bank. Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

TestGen. This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen’s random generator provides the option to display different text or calculated number values each time questions are used.

PowerPoint Presentations. Our presentations are clear and straightforward. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

To access supplementary materials online, instructors need to request an instructor access code. Go to www.pearsonhighered.com/irc, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming e-mail, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

Alternate Versions

eBooks. This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit www.mypearsonstore.com.
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No textbook can be produced through the sole effort of its authors. The sixth edition of *Introduction to Law* is no exception.

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