

A bronze statue of Lady Justice, blindfolded and holding a scale of justice, stands in front of a blurred background of bookshelves filled with books. The statue is the central focus, with its right arm raised holding the top of the scale and its left arm holding the bottom. The scales are balanced. The background is a warm-toned, out-of-focus image of a library or law firm's bookshelves.

INTRODUCTION TO LAW AND THE LEGAL SYSTEM

Schubert

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Introduction to Law and the Legal System

Seventh Edition

Frank A. Schubert

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Introduction to Law and the Legal System

To Professor Herman Goldstein and to the
memory of the late Chief Robert Igleburger
of the Dayton, Ohio, Police Department.

—F. A. S.

Preface


This book provides an introduction to a topic every educated citizen should know about—law and the American legal system. A basic understanding of law’s philosophical, historical, and cultural antecedents and its fundamentals promotes a better understanding of the role law plays in a complex and modern society. From this understanding, students can decide for themselves whether lawmaking institutions—the legislative, judicial, and administrative agencies—are dealing adequately with our society’s problems.

This text is designed to stimulate students to exercise their powers of reasoning, and it provides an interesting and exciting means of developing an understanding of the strengths and weaknesses of the law. Students read case reports of real-world problems along with textual and appellate court discussions of alternative approaches and theories to resolving the underlying disputes. Case analysis helps students to develop an understanding of legal method and legal reasoning.

This course is designed for basic law courses offered in a graduate or undergraduate program. It is a survey of the American legal system that can be used in courses such as Survey of Law, Introduction to Law and the Legal System, Legal Environment of Business, and Legal Process. This course could be an integral part of business, political science, criminal justice, interdisciplinary, or paralegal courses or other similar courses in an institution of higher education.

New to the Seventh Edition

The Seventh Edition includes a new chapter on ethics and law (Chapter Two) that was added to reflect the tremendous interest in this topic that has been shown in recent years. Ethical perspectives are often embedded in statutory and case law. Students often discover differing viewpoints among their classmates

about whether particular conduct is ethical. Discussions about the nature of ethical conduct often lead to spirited class discussions. In addition to the new ethics chapter, ethical questions, identified by the icon , are emphasized

in selected cases. (No attempt has been made to systematically identify every ethical question in each case.)

As in past editions of this text, new cases that have proven to be more effective teaching tools have replaced previous cases. Because it is important that this book reflect contemporary social issues, recent U.S. Supreme Court cases, such as *City of Chicago v. Morales* (vagueness) and *Washington v. Glucksburg* (assisted suicide), have also been added to the text. Because users have requested newer end-of-chapter questions, a few have been added to most chapters.

I have learned over the years that there is no consensus among instructors as to the optimal order in which the chapters should be presented. I prefer the current sequencing because it has been my experience in teaching this subject for over twenty years that students have an easier time reading and understanding case reports after they have studied civil procedure. However, instructors can easily assign the chapters to suit their own preferences.

Most case footnotes have been deleted. Where footnotes have been retained, original numbers have been used. Many citations have similarly been omitted, as well as less important portions of opinions. Ellipses have been inserted to indicate such omissions.

Teaching and Learning Aids

Law, like other disciplines, has a language of its own. A glossary of selected terms from *The Law Dictionary* (*Cochran's Law Lexicon*, Sixth Edition) is included in the Appendix at the end of the book to help students. The Constitution of the United States is also included in the Appendix.

Introduction to Law and the Legal System is accompanied by a *Study Guide* and an *Instructor's Resource Manual*. The *Study Guide* provides students with case summaries and a series of review exercises to test comprehension. Case summaries and case questions appear in the *Instructor's Resource Manual*, followed by a section of test items for each chapter, including completion, true-false, multiple choice, and essay questions.

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Finally, I'd like to thank my wife, Barbara; my daughter, Tracy Lea; and my son, Andy, for their continuing support, patience, and understanding.

This edition is dedicated to Professor Herman Goldstein, professor emeritus at the University of Wisconsin Law School, and to the memory of the late Chief Robert M. Igleburger, formerly of the Dayton (Ohio) Police Department. These two men have been a constant source of inspiration, encouragement, and friendship.

F. A. S.

Contents

Preface *xxiii*

I INTRODUCTION 1

WHAT IS LAW? 1

Law as Power 1

Natural Law 2

Historical Jurisprudence 2

Utilitarian Law 3

Analytical Positivism 4

SOCIOLOGICAL JURISPRUDENCE, LEGAL REALISM,
AND LEGAL SOCIOLOGY 5

Legal Realists 6

Legal Sociologists 7

OBJECTIVES OF LAW 7

Continuity and Stability 7

Adaptability 8

Justice, Speed, and Economy 8

Determining Desirable Public Policy 9

ORIGIN OF LAW IN THE UNITED STATES 10

The Origins of English Common Law 10

The Norman Invasion 11

The Development of the Common Law	12
The Origin of the English Equitable Court	14
A PROCEDURAL PRIMER	15
READING CASES	17
<i>E.I. Du Pont de Nemours & Co., Inc. v. Christopher</i>	18
CASE ANALYSIS	22
Sample Brief	24
CONSTITUTIONAL POLICYMAKING	26
<i>Cruzan v. Director, Missouri Dept. of Health</i>	26
DUE PROCESS	33
<i>Washington et al., Petitioners, v. Harold Glucksberg et al.</i>	34
Substantive Due Process	48
Substantive Due Process and Economic and Social Regulation	48
The Scope of Substantive Due Process	49
<i>City of Chicago v. Jesus Morales, et al.</i>	50
Procedural Due Process	57
<i>Goss v. Lopez</i>	58
CRIMINAL AND CIVIL LAW	62
<i>Katko v. Briney</i>	64
TORT AND CONTRACT LAW	68
Torts	69
Contracts	69
<i>Suggs v. Norris</i>	70
Chapter Questions	73
Notes	76
 II ETHICS & LAW	 79
<i>Gregg v. Georgia</i>	80
ETHICS	87
Karen, Keisha, & Kelly	88
Law and Morality	89
Positive Law Rules	90
Aiding and Abetting, Misprision, Informing, and the Family	91
<i>State v. Mobbley</i>	92
<i>Holland v. State of Florida</i>	95

Good Samaritan Laws	97
Individual Choice Versus Social Control: Where Is the Line?	97
<i>Commonwealth of Pennsylvania v. Bonadio</i>	98
<i>Commonwealth of Kentucky v. Wasson</i>	100
Business Ethics	105
<i>Textile Workers v. Darlington Manufacturing Company</i>	106
Professional Ethics	110
Ethics and Professional Responsibility Codes for Lawyers	111
<i>State v. Jones</i>	111
<i>Pierce v. Ortho Pharmaceutical Corporation</i>	118
Chapter Questions	123
Notes	126

III THE JUDICIAL SYSTEM 127

COURTS	127
Trial Courts	128
Appellate Courts	129
STATE COURT SYSTEMS	130
JURISDICTION	130
Subject Matter Jurisdiction in State Court	131
<i>In the Matter of the Application of Arthur Hyde RICE to Register and Confirm Title to Land Situated in Kailua, District of Koolaupoko, Oahu, City and County of Honolulu, State of Hawaii</i>	132
Jurisdiction over the Person	133
Long-Arm Statutes	134
<i>In Personam Jurisdiction over Corporations</i>	135
Jurisdiction over Property— <i>In Rem</i> Jurisdiction	137
Procedural Due Process Requirements	137
<i>Calder v. Jones</i>	137
Venue	140
<i>Lockman Foundation v. Evangelical Alliance Mission</i>	141
THE FEDERAL COURT SYSTEM	145
THE U.S. DISTRICT COURTS	145
<i>Marathon Oil Company v. A. G. Ruhrgas</i>	146
The Plaintiff's Choice of Forum	150
<i>Ramírez de Arellano v. Eastern Airlines, Inc.</i>	150
<i>In Rem</i> and <i>In Personam</i> Jurisdiction	154
Venue in Federal Courts	154

Removal from State to Federal Courts (Removal Jurisdiction)	154
<i>Gatch v. Hennepin Broadcasting Associates, Inc.</i>	155
The Erie Doctrine	156
<i>Carson v. National Bank</i>	157
THE THIRTEEN U.S. COURTS OF APPEALS	159
THE U.S. SUPREME COURT	160
<i>Chapter Questions</i>	163
<i>Notes</i>	165

IV CIVIL PROCEDURE 166

PROCEEDINGS BEFORE A CIVIL TRIAL	167
Hiring a Lawyer	167
<i>Olsen and Brown v. City of Englewood</i>	169
The Pleadings	172
Methods of Service	174
<i>Dorsey v. Gregg</i>	176
Pretrial Motions	177
Discovery and Pretrial Conference	178
<i>Anderson, et al., v. Beatrice Foods Co.</i>	179
CIVIL TRIALS	189
Selection of the Jury	189
Opening Statements and Examination of Witnesses	191
<i>Alexander v. Chapman</i>	193
RULES OF EVIDENCE	197
Relevance and Materiality	197
Competency	197
The Best Evidence Rule	198
The Hearsay Rule	198
Privileges	198
<i>Cline v. William H. Friedman & Assoc.</i>	199
Trial Motions	201
Jury Verdict and Posttrial Motions	202
<i>Cody v. Atkins</i>	202
Additur and Remittitur	206
<i>Atlas Food Systems & Services v. Crane National Vendors Inc.</i>	206
Judgment and Execution	211

<i>Chapter Questions</i>	212
<i>Notes</i>	215

V INSTITUTIONAL SOURCES OF AMERICAN LAW 216

COMMON LAW AND CIVIL LAW LEGAL SYSTEMS 216

CONSTITUTIONS 217

LEGISLATION 217

The Power to Legislate 219

Federal Government 219

United States v. Lopez 220

State Government 226

Federal Supremacy 226

Constitutionality of Statutes 227

Ex Post Facto Laws 228

Statutory Construction 229

ADMINISTRATIVE AGENCIES 230

JUDICIAL DECISION MAKING 230

Following Precedent 231

The Holding and Rule of the Case 232

State v. Butler 233

Requirements for a Precedent 236

The Retroactive Versus Prospective Application Question 236

Adkins v. Sky Blue, Inc. 236

Absence of Precedent 241

Strunk v. Strunk 242

RECOGNIZING LAWS OF OTHER STATES AND COUNTRIES 246

Conflict of Laws 246

Tort Cases 247

Hubbard Manufacturing Co., Inc., v. Greeson 247

Contract Cases 249

Full Faith and Credit 250

Baker et al. v. General Motors 251

<i>Chapter Questions</i>	254
<i>Notes</i>	256

VI LIMITATIONS IN SEEKING RELIEF 257

CASE OR CONTROVERSY	257	
<i>American Postal Workers Union v. Frank</i>		258
MOOTNESS	261	
<i>DeFunis v. Odegaard</i>	262	
POLITICAL QUESTIONS	265	
<i>Belk v. United States</i>	265	
THE ACT OF STATE DOCTRINE	268	
STATUTE OF LIMITATIONS	268	
<i>Marybeth Atkins v. Jiminy Peak, Inc.</i>		271
RES JUDICATA	274	
<i>Caporino v. Lacasse</i>	275	
IMMUNITY FROM LEGAL ACTION	276	
Sovereign Immunity	277	
<i>Federal Sign v. Texas Southern University</i>		278
Immunity of Government Officials	282	
Charitable Immunity	283	
<i>Thompson v. Mercy Hospital</i>	283	
Immunity Among Family Members	285	
<i>Hurst v. Capitell</i>	286	
Immunity Through Contract	287	
<i>Gimpel v. Host Enterprises, Inc.</i>	288	
<i>Chapter Questions</i>	290	
<i>Notes</i>	291	

VII JUDICIAL REMEDIES 293

COMMON LAW REMEDIES	293	
Compensatory Damages	295	
<i>Macomber v. Dillman</i>	296	
Punitive Damages	301	
<i>Volz v. Coleman Co., Inc.</i>	302	
Nominal Damages	305	
Liquidated Damages	305	
<i>Lakewood Creative Costumers v. Sharp</i>		306
EQUITABLE REMEDIES	308	

Injunctions	308	
<i>Gano v. School District No. 411 of Twin Falls County, Idaho</i>		309
Reformation and Rescission	311	
<i>Department of Transportation v. Ronlee, Inc.</i>	312	
Court of Conscience	315	
<i>Campbell Soup Company v. Wentz</i>	316	
Equitable Maxims	318	
<i>Isbell v. Brighton Area Schools</i>	319	
Specific Performance	320	
<i>Bloch v. Hillel Torah North Suburban Day School</i>	321	
Restitution	322	
<i>Iacomini v. Liberty Mutual Insurance Company</i>	323	
Declaratory Judgment	326	
Jury Trial	326	
<i>State v. Yelsen Land Company</i>	326	
Chapter Questions	328	
Notes	332	

VIII CRIMINAL LAW AND PROCEDURE 333

CRIMINAL LAW	333	
Sources of American Criminal Law	334	
Classification of Crimes	334	
Constitutional Limitations on Criminalization	335	
<i>Loving v. Commonwealth of Virginia</i>	336	
The Imposition of Punishment	340	
THE BASIC COMPONENTS OF A CRIMINAL OFFENSE	340	
The Wrongful Act	341	
<i>People v. Shaughnessy</i>	342	
Special Rules	343	
Status Crimes	344	
The Criminal State of Mind	344	
<i>State v. Gordon</i>	345	
Strict Liability	350	
Vicarious Liability	350	
Causation	350	
<i>Commonwealth v. Berggren</i>	351	
Inchoate Crime	353	

The Racketeer Influenced and Corrupt Organization Act	353
Defenses	354
<i>United States v. Scott</i>	355
CRIMINAL PROCEDURE	358
PROCEEDINGS PRIOR TO TRIAL	359
Arrest	359
<i>Draper v. United States</i>	362
Investigatory Detentions (Stop and Frisk)	364
<i>Adams v. Williams</i>	365
Custodial Interrogation	368
Searches and Seizures	368
<i>New Jersey v. T.L.O.</i>	370
Bail	375
<i>United States v. Salerno</i>	376
The Right to an Attorney	381
Line-ups	382
Preliminary Hearing and Grand Jury	382
Arraignment	383
THE CRIMINAL TRIAL	384
<i>Sullivan v. Louisiana</i>	385
Trial by Jury	388
Fair and Public Trial	388
Right to a Speedy Trial and Cross-Examination	388
The Prosecutor's Role	389
Sentencing	389
Appeal	389
<i>Habeas Corpus</i>	390
Chapter Questions	390
Notes	394

IX FAMILY LAW 395

INTRODUCTION	395
<i>Wisconsin v. Yoder</i>	396
THE FAMILY	404
What Is a Family?	405
<i>Moore v. City of East Cleveland, Ohio</i>	406

CREATING FAMILY RELATIONSHIPS	410
Marriage	411
<i>Zablocki v. Redhail</i>	411
Marriage Solemnization Ceremonies	416
Common Law Marriages	416
Adoption	416
Matching	417
<i>Adoption of Tammy</i>	420
Voluntary/Involuntary Adoption	424
The Adoption Petition	424
<i>Lehr v. Robertson</i>	425
Interim Orders	429
Foster Care	430
FAMILY RELATIONSHIPS IN ONGOING FAMILIES	430
Spousal Considerations	430
Decision Making Within Traditional Families	432
Evidentiary Privileges	432
The Parent-Child Relationship	432
<i>State ex rel. Hermesmann v. Seyer</i>	432
Child Support	437
<i>Nash v. Mülle</i>	437
Noneconomic Obligations	443
Parental Immunity from Suit by Child	443
ENDING SPOUSAL RELATIONSHIPS	443
Annulment	443
Legal Separations	444
Divorce/Dissolution	444
Jurisdictional and Procedural Considerations	447
Jurisdiction	447
Procedure	447
Allocation of Financial Obligations	448
Court-ordered Alimony	448
Child Custody and Child Support	449
<i>In re Marriage of Riddle</i>	450
Preferred Custody Statutes	452
Child Support	452
Property Division	453