

PAYMENT SYSTEMS

PROBLEMS, MATERIALS, AND CASES

Third Edition

Linda J. Rusch

American Casebook Series®

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PAYMENT SYSTEMS

PROBLEMS, MATERIALS, AND CASES

Third Edition

By

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AMERICAN CASEBOOK SERIES®

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To my husband, Doug.

LJR

Preface

This book is designed to help the student learn the law of payment systems as well as the art and skill of statutory reading. Most law school fare, at least in the first year, is based upon teaching the skill of case analysis and the art of argument using analogy and distinction from cases. This book seeks to facilitate teaching the skills necessary to engage in statutory reading and analysis. This set of skills requires close attention to each word of the statute or regulation, reading the applicable commentary to the statute or regulation, and learning the interaction between statutory sections. Reading and rereading the text and comments of a statute is critical to this process of statutory interpretation. Whenever this text cites a statutory section, you are expected to read the section and its commentary provided in the statutory supplement.

The student is then expected to use what he or she has learned through careful reading of the statutory material and commentary to solve the problems posed. Solving the problems requires the student to map out their reasoning based upon the statutory language or commentary to come to the result. As in case analysis and reasoning, the final result is not nearly as important to learning the skill of statutory reading and analysis as is the method of arriving at the result. Thus to completely answer any problem in this book the student should write down all of the analytical steps taken to arrive at the answer, including reference to the precise language from the relevant statutes or comments that the student used to arrive at the result. To that end, significant white space is provided in this text to enable the student to record his or her analysis next to each problem.

The problem-solving orientation of this book is based upon the perspective that most law students will use the skills developed in law school to solve problems. These problems may be from clients in a law firm or other practice setting, from constituents in a legislative setting, from executives in a corporate setting, or from policy makers in an administrative setting. Using the tools of critical analysis and linear logical thinking to solve problems is the hallmark of a lawyer. Thus, this book provides repeated opportunities for students to practice their problem-solving skills.

Confronting a complex and interrelated statutory regime can be daunting. First, it is necessary to learn little parts, while at the same time, it is necessary to have a big picture to understand how the little parts fit together. Unfortunately, it is difficult to learn both the big picture and the little parts at the same time. This book

attempts to address that difficulty by using textual overviews to give a sense of the big picture and then moving on to the little parts in solving problems that are structured like building blocks. Finally, the use of review problems allows an integration of the little parts into the big picture.

Another daunting feature of a statutory regime is that students approach the material with the perspective of a novice while the teacher approaches the material with the perspective of an expert. The challenge for any set of materials used to teach any subject is to go in small enough steps to allow the novice to understand the basic material while providing enough advanced material to allow the expert to challenge the student to think about the gray areas where the rules or results are not clear. This book attempts to mediate that difficult challenge by using building block problems that allow the student to understand the basic concepts, using text or cases to give examples of analysis, and then using more complex problems to approach more advanced discussions.

Finally, in confronting a statutory regime, it is important to remember that the reader must not only read the sections that seem the most relevant to the issue, the reader must look for other sections that impact the situation and must remember to look up the defined terms in the statute. Many students are frustrated with the time it takes to thoroughly read the necessary sections and prepare the problems for the day. All I can say is that it will get easier with practice. Some of us even learn to prefer statutes to cases.

Acknowledgments

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