

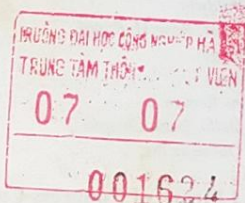
Introduction to the
**LAW FOR
PARALEGALS**

DEBORAH S. BENTON



Introduction to the Law for Paralegals

Deborah S. Benton, J.D.



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About the Author

Deborah S. Benton is an attorney, a professional educator, and a writer. Ms. Benton has taught for five years in a paralegal studies degree program and presently teaches at William Jewell College in Liberty, Missouri. She has extensive experience teaching all paralegal courses, including Introduction to Law, the first class taken by paralegal students. Ms. Benton received a B.A. degree in English and Economics from Sweet Briar College in Virginia and a J.D. from The John Marshall Law School in Chicago and is currently completing a Masters in Education degree. She has been a licensed professional attorney in Illinois since 1983. Ms. Benton has written for various legal practice publications and has extensive experience as both an editor and writer in the publishing field.

Preface

Many paralegal studies programs begin with an introductory course in the law. Typically, these first-semester courses present an overview of the basic aspects of the law, followed by a preview of each substantive area of the law to be studied in depth in a subsequent program offering. Often, students entering a paralegal degree program have some basic knowledge of legal topics, largely due to the significant increase in television programs related to the law, particularly court television shows that resolve disputes between “actual litigants” in a half hour. What is lacking in the knowledge that students bring to an introductory law course is an understanding of how legal principles are applied to different fact situations. This book is an innovative and engaging textbook written for the student who is just starting a paralegal studies degree program.

Many textbooks have been written that provide definitions of legal terminology and rules of law, suggesting that rote memorization is the key to learning about the topic. Little guidance is provided in how those rules of law are relevant to new legal issues and cases. In writing this book, I approached the manuscript with the theory that students do not learn best by rote memorization, but by practicing critical thinking skills that require the student to apply rules of law to various fact patterns. By being asked to compare cases, conduct Internet research, and predict the likely outcome of a hypothetical case, students will complete a first-semester introduction to the law course with a greater understanding of basic legal principles and practical strategies useful in approaching legal issues they will encounter in subsequent legal classes. This book strives to encourage students in the development of critical thinking skills necessary to a successful paralegal career.

In developing legal analysis and critical thinking skills, students need practical guidance and practice in fundamental exercises such as identifying the legal issue, determining the applicable legal principles, and applying them to the facts of a case. This textbook provides such application and practice, through several unique pedagogical features. It provides simple and concise explanations of legal concepts and topics, encouraging students to develop critical thinking skills by applying the legal principles to numerous problems and exercises contained in each chapter. This book introduces students to the major substantive areas of law that will be covered in depth in subsequent courses.

I wrote this book as a result of my experience in how students learn and understand complex legal issues; students develop critical legal analysis skills by a hands-on approach to the subject. Introductory legal textbooks present legal rules in a format that asks students to memorize concepts and principles. This textbook presents the topics and then provides numerous examples, carefully selected court cases, and exercises that ask students to use problem-solving skills, applying the law to hypothetical fact patterns. Some of the unique features of this book are the critical thinking exercises that present hypothetical cases based on the material in that chapter, as well as challenging “You Be the Judge” cases throughout every chapter. There are opportunities for the student to do Internet research using the selected Web sites contained in each chapter, as well as further legal research involving their own jurisdiction’s statutes. This book is easy to read, yet provides a solid foundation for not only a study of substantive legal courses in the future but also to help develop students’ legal reasoning skills. This book achieves a balance between a concise, thorough overview of legal concepts with extensive pedagogical features, making this book easy to use for both instructor and student. My goal in writing this book was to provide a textbook that any instructor, even with limited advance preparation time, can use to present thorough, engaging lessons that accommodate all learning styles.