

Overview of U.S. Law

Overview of U.S. Law

SECOND EDITION

JR Swanegan

ASSISTANT DEAN OF INTERNATIONAL AND GRADUATE PROGRAMS
STETSON UNIVERSITY COLLEGE OF LAW

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CAROLINA ACADEMIC PRESS

Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Names: Podgor, Ellen S., 1952- editor. | Swanegan, JR, editor.
Title: Overview of U.S. law / JR Swanegan, Ellen S. Podgor.
Other titles: Overview of United States law
Description: Second edition. | Durham, North Carolina : Carolina Academic
Press, LLC, [2018] | Includes index.
Identifiers: LCCN 2018037332 | ISBN 9781531002398 (alk. paper)
Subjects: LCSH: Law--United States.
Classification: LCC KF385 .O93 2018 | DDC 349.73--dc23
LC record available at <https://lcn.loc.gov/2018037332>

ebook ISBN 978-1-5310-0240-4

Carolina Academic Press, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Dedicated to—

Ashley Swanegan

Cheryl L. Segal

The authors continue to recognize the initial dedication on this book to the memory of Adam F. Cooper, the son of John F. Cooper. Adam was born in 1988, and died tragically in 2008. He was bright, funny, creative, artistic, generous, complicated, frustrating, angry, troubled, but always loving. He loved, and was loved, without condition.

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Preface

This book is an effort to reach several audiences in providing an overview of the United States (US) legal system. It offers seventeen different subjects that include the main areas covered in most first year law school programs, as well as some hot topics that may be of interest to readers.

This book is aimed at foreign attorneys who are looking for an initial understanding of the structure and process of US law. In this regard, this book offers some comparisons with civil code systems. It is, however, merely an overview of the law and does not dissect the many nuances essential to a true understanding of US law. In the past few decades there has been a proliferation of LL.M programs at American law schools introducing foreign lawyers to the fundamentals of this legal system. The existence, and growth, of these programs, evidences the value that foreign lawyers continue to place on an understanding of US law.

This book also provides those about to commence a law school program with an overview of the subjects that they are likely to study. In this regard, students who prefer a “big picture” approach to the structure of the US system can learn some of the components in advance of their first semester of law school. Further academic success professionals may find the overview approach helpful to students who are looking for a course map.

The book may also offer a review of courses studied for those who are preparing for a bar exam. Although this book is not an alternative to a bar examination course or study plan, it may be used to reinforce principles learned earlier in a law school career.

From the first edition the authors thank Darby Dickerson and Lindsay A. Warner. They also thank John F. Cooper, one of the initial editors of this book.

In this second edition they thank Interim Dean Kristen Adams, and research assistants Ashaley Boatwright, Taofikat Ninalowo, and Viviana Vasiu. Finally, they thank each of the individual authors, who so generously committed their skill and knowledge to this book.

JR Swanegan
Ellen S. Podgor
December 2018

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The first law related position held by Professor Eades was a staff attorney for the Tennessee Valley Authority. At this agency, Professor Eades did general civil litigation. After the period of time with the Tennessee Valley Authority, Professor Eades joined the faculty of the Louis D. Brandeis School of Law at the University of Louisville in Louisville, Kentucky. While teaching at the University of Louisville, Professor Eades taught primarily in the Torts and civil litigation areas. In addition, he has written extensively in those same areas. His books include a series of Jury Instructions texts published by Lexis/Nexis and a series of Kentucky Law books published by West Publishing Company. He has also written student textbooks for Carolina Academic Press. Professor Eades to work with the Center for Computer Assisted Legal Instruction (CALI). That work included writing computer lessons in tort law, and serving on the editorial board now.

During his time in teaching, Professor Eades has had the opportunity to be a visiting teaching and scholar at several European Universities. He has been a teacher and scholar in Leeds, England, Mainz, Germany, and Turku, Finland.

Professor Eades has received numerous awards for both his teaching and research. He has received the Law School Teaching Award on three occasions and been named a Distinguished Teaching Professor by the University. In addition, for his scholarship, Professor Eades has been designated a Distinguished University Scholar by the University of Louisville. Professor Eades is now a Professor of Law Emeritus.

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Professor Gibbons teaches Copyright, Ecommerce, Intellectual Property Licensing & Management, Intellectual Property Survey, Legal Ethics, Online Dispute Resolution (ODR), Secured Transactions, Torts, and Trademark law.

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Jeff Minneti is an Associate Professor of Law and Director of the Academic Resource Center (ARC) at Seattle University School of Law. The ARC is a group of dedicated academic success professionals whose goal is to empower all students to accomplish their personal best in law school and pass the bar exam on their first attempt. The ARC Team provides academic and executive function skill instruction to students and partners with students to help them execute academic action plans. In addition, Professor Minneti teaches courses in Criminal Law and Trusts and Estates. He enriches each course with academic and executive function skill instruction.

Professor Minneti's scholarship focuses on two interests: (1) the intersection of behavioral economics and environmental regulation and (2) the study of how students' preferences, choices, and behaviors affect their academic performance. A common theme across his scholarship is the study of decision making and decision architecture. A recent paper found that students' work drive is an effective predictor of their academic performance, which suggests that when students modify their preferences and choices around the work associated with law school, they will improve their academic

performance. In 2018, he published an article describing the theoretical framework for SU Law's Access Admission Program, focusing on how the program is steeped in the neurobiology of learning and student motivation.

Prof. Minneti previously taught at Stetson University College of Law in St. Petersburg, Florida, where he directed the school's academic success program and taught students courses in Trusts and Estates, Remedies, and Survey of Florida Law. Prior to his work at Stetson, Professor Minneti practiced with the Tampa law firm, Murray, Morin, and Herman; his practice focused on defending the interests of London market insurers in the aviation industry. Upon graduation from law school, Professor Minneti clerked for Thomas A. Woodall, Associate Justice of the Alabama Supreme Court. While in law school, Professor Minneti served as Editor-in-Chief of the American Journal of Trial Advocacy.

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Professor Morrissey has taught and published numerous articles in the areas of business entities, contracts, constitutional law, and international private law. Professor Morrissey is the author of *International Sales & Arbitration* (Aspen Select, 2d. Ed, 2017), a casebook which combines a focus on international contract law with the mechanism of dispute resolution most often used in those contracts, arbitration. In addition, Professor Morrissey has published a capstone casebook in Elder Law, *Elder Law in Context* (Aspen 2017) (with Morgan, Bauer, Flowers, and Radwan); and is in the process of publishing another capstone casebook in Bankruptcy, *Bankruptcy*

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Professor Washington has taught Civil Procedure I and II, Family Law, Education Law and Race and Law at Georgia State for the past 15 years. She has also worked as an adjunct professor at Howard Law School and at the David A. Clarke Law School at the University of the District of Columbia. Her research and scholarship focus on issues related to educational equity, domestic violence, racial justice, inclusion and diversity, marriage equality, and children's constitutional rights. Her articles and op-eds have been published in law journals and periodicals across the nation, and Supreme Court Justice Kennedy, cited her co-authored amicus brief in his majority opinion in the landmark marriage equality decision, *Obergefell v. Hodges*.

A belief that the true value of the law lies in its capacity to improve the human condition animates Professor Washington's work, which includes three years on the Atlanta Human Relations Commission, volunteer service to Atlanta's homeless population, work at area soup kitchens, several amicus briefs in Georgia appellate cases, and countless hours of pro-bono work.

Professor Washington's teaching and scholarly contributions were recently recognized by the Gates City Bar, with the President's Award for Excellence, and the Georgia State University, with the Alumni Distinguished Faculty Award for Teaching and Scholarship. She currently serves as the Director of the John Lewis Fellowship Program, a Humanity in Action program funded by a grant to the National Center for Civil and Human Rights from the Andrew W. Mellon Foundation. Her efforts to expand and deepen the pipeline of students entering law school earned her recognition in 2013 as one of 50 minority law professors under 50 making an impact in legal education.

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