

CATALOG 2011

Aviation Law.....	1
Arbitration / Mediation .....	2
Bankruptcy Law .....	5
Business Law .....	7
Civil Rights .....	9
Constitutional Law.....	10
Contract Law.....	14
Criminal Law .....	16
Elder Law .....	19
Electronic Commerce Law .....	20
Environmental Law .....	21
European Union Law.....	22
Evidence Law.....	23
Family Law .....	25
General Law .....	29
Human Rights Law .....	33
International and Comparative Law .....	34
Jurisdiction .....	37
Labor Law .....	39
Legal Education / Education Law .....	40
Legal History / Biography .....	43
Legal Research.....	45
Medical Law .....	46
Property Law .....	47
Sea Law.....	48
Sports Law .....	49
Statutory Law.....	51
Tax Law .....	52
Torts Law.....	56



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# Aviation Law



## **Aviation Law after September 11<sup>th</sup>: Cases and Materials**

***Timothy M. Ravich***

AVIATION LAW AFTER SEPTEMBER 11<sup>TH</sup> introduces the topic of aviation law with a particular emphasis on the subject post-September 11, 2001. Formatted as a traditional law school course book, the text presents the major tensions in the commercial and general aviation marketplace: consumer protection versus the corporate bottom-line, regulation versus deregulation, private enterprise and positive government, price versus convenience, liberty and privacy interests versus national security, internationalism versus nationalism, democracy versus terror, and fundamentally, life and death. AVIATION LAW AFTER SEPTEMBER 11<sup>TH</sup> is segmented into six chapters—aviation travel rights, deregulation and federal preemption, aviation economics, labor and management, aviation security, and accident litigation—and provides detailed end-of-chapter notes and problems for further study.

**Timothy M. Ravich** is a Martindale-Hubbell® AV-rated lawyer and one of only thirty-four lawyers recognized as a “Florida Bar Board Certified Aviation Lawyer.” He is Chair of the Florida Bar Aviation Law Committee and an adjunct professor teaching aviation law at the University of Miami School of Law. He earned his M.B.A. in Aviation Policy and Planning from Embry-Riddle Aeronautical University and is a regular commentator for local and national media programming featuring aviation and aerospace. He has spoken and written extensively about aviation issues in national and international forums and in peer-reviewed journals, including the American Bar Association Section of Litigation—Mass Torts, Southern Methodist University’s *Journal of Air Law and Commerce*, the *North Dakota Law Review*, the *Florida Bar Journal*, the *University of Miami Law Review*, and the *Journal of the Transportation Research Forum*.

ISBN: 978-1-60042-118-1, Hardcover August 2010, 928 Pages, \$ 99.95

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# Arbitration / Mediation

## Preventive Law and Problem Solving: Lawyering for the Future

*Thomas D. Barton*

PREVENTIVE LAW AND PROBLEM SOLVING: LAWYERING FOR THE FUTURE explores the complex relationships between legal problems and the procedures employed for their prevention or resolution. It seeks to broaden our understanding of legal risks and the methods by which they may be addressed. Law is viewed as one important part of a system of ideas and methods that protects individuals and their relationships, even while facilitating wider human interactions. The work traces the intricate connections among the risks and problems that people bring to law; the methods available to avoid those risks or redress those problems; the skills that lawyers employ to use those procedures effectively; the ethics with which lawyers and judges are expected to operate those procedures; the vision of truth that guides the system; and the broader human culture within which law, lawyers, and legal methods are shaped. Gradually, this system of mutually influencing parts is evolving a new paradigm for engaging legal problems. The book unravels the historic trends behind this movement, and suggests some of its many implications for judges, lawyers, and students.

PREVENTIVE LAW AND PROBLEM SOLVING: LAWYERING FOR THE FUTURE is designed for four audiences. First, it introduces a broad, socially connected understanding of legal systems and legal thinking for students who are considering, or just beginning, law study. Second, for those who have completed their first year of legal training, the book reflects on the assumptions that underpin the thinking and methods they have been struggling to master. Third, for those interested in legal theory, the book describes and explains a new paradigm for legal thought. Finally, practicing lawyers are offered examples of using the preventive/ problem solving approach in contract formation, project management, general business representation, domestic violence, and health care delivery.

**Thomas D. Barton** is the Louis and Hermione Brown Professor of Law at California Western School of Law in San Diego., He coordinates the National Center for Preventive Law, found at [www.preventivelawyer.com](http://www.preventivelawyer.com).

ISBN: 978-1-60042-076-4, Paperback June 2009, 382 Pages, US \$48.95



## **The Art of Family Mediation: Theory and Practice**

**A Foundational Text for Mediation Training**

***Lynn E. MacBeth***

**The Art of Family Mediation** is a foundational text for the mediation classroom at all levels-- graduate, undergraduate, and post-graduate. Expert mediator and trainer Lynn MacBeth explains family mediation theory and technique in a clear and compelling text that blends an overview of the research and literature with her unique insights and experience in the field. To understand the magic of mediation is to understand the mysteries of family dynamics, human communication, emotional processes, and conflict management and intervention. The therapeutic aspects of mediation, together with the legal and ethical fundamentals necessary to practicing family mediation are set forth concisely in one comprehensive source, with consideration given to the laws and practices of multiple U.S. states. For students, this book provides an understanding of the evolution of thought, practices, and legislation affecting family mediation. For instructors, an organized approach to the subject with case scenarios, materials, teaching tips, and questions for discussion provides one source for an established course that has endured and evolved over a decade.

**Professor MacBeth** designed and teaches *The Art of Mediation* at Duquesne Law School in Pittsburgh, Pennsylvania. She is a pioneer in the mediation movement, having first received her training from the adherents of O.J. Coogler, the father of family mediation in America. She is a graduate of the University of Pittsburgh School of Law and Chatham University in Pittsburgh, Pennsylvania. She has been a mediator, trainer, and attorney for over twenty-five years.

ISBN: 978-1-60042-104-4, Hardcover February 2010, 412 pages, \$64.95

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## **Yearbook on Arbitration and Mediation**

**Volume 2, 2010**

The Yearbook on Arbitration and Mediation is a peer-reviewed annual publication with a law review format, produced and edited by Penn State University's Dickinson School of Law, under the supervision of Prof. Thomas E. Carbonneau. With the law school's long-standing reputation in the international and domestic arbitration and ADR community, the Yearbook on Arbitration and Mediation provides deserving and qualified PSU law students with a challenging editorial experience. Students are supervised by a student-run editorial board and student editor in chief. The faculty supervisor holds a distinguished professorship on the law faculty. Students are awarded academic credit for their work.

The Yearbook on Arbitration and Mediation covers domestic and international developments in arbitration by publishing scholarly and professional articles, thorough summaries of leading cases, legislative analysis and other documents.

The U.S. Supreme Court remains active in this subject area and continues to favor the recourse to arbitration. Arbitration and ADR are a large and growing part of U.S. law practice. The Yearbook on Arbitration and Mediation fulfills the need for professional discussion and academic instruction.

Vandeplas Publishing Volume 2 – 2010, Published Annually

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ISSN: 1948-8343

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Paperback, 692 pages, \$69.95  
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# Bankruptcy Law

## Consumer Bankruptcy

**David Gray Carlson**

"CONSUMER BANKRUPTCY" is a new case book designed for a two- or three-unit law school course focusing solely on the unique issues that arise under the United States Bankruptcy Code when an individual with primarily consumer debts files for bankruptcy. The book fully explores the complexities introduced in 2005 with the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act, legislation that clearly sets out consumer bankruptcies as a very technical sub-specialty in the field of bankruptcy. Covered in this book are the barriers to entry by a consumer into chapter 7 liquidation, issues relating to discharge of debt, chapter 13 plans and chapter 13 cases converted to chapter 7.

**David Gray Carlson** is Professor of Law at the Benjamin N. Cardozo School of Law. He is the author of a treatise on secured credit in bankruptcy and of over sixty law review articles on various aspects of bankruptcy and debtor-creditor law.

ISBN: 978-1-60042-094-8, November 2009 Hardcover, 568 pages US \$79.95

## Creditors' Rights Revised 4th Edition 2006

**Alexander L. Paskay**

ISBN: 978-1-60042-007-8, Hardcover December 2006, 724 Pages US 129.95

VANDEPLAS PUBLISHING LLC



## The Law of Debtors and Creditors

***David Gray Carlson***

The Law of Debtors and Creditors is a new case book for a three-unit law school course focusing on the basic principles of American debtor-creditor law. The book focuses on the law of execution on money judgments, using New York law as a paradigm. It also thoroughly covers fraudulent conveyance law, as it exists under state law and under bankruptcy in general. The book also explores the basic principles of chapter 7 liquidation, as well as a thorough review of the avoidance powers granted to a bankruptcy trustee under the Bankruptcy Code. Excluded from this volume is coverage of issues unique to consumer bankruptcy, on which the author has published a separate case book with Vandeplas Publishing, LLC.

**David Gray Carlson** is Professor of Law at the Benjamin N. Cardozo School of law. He is the author of a treatise on secured credit in bankruptcy and of over sixty law review articles on various aspects of bankruptcy and debtor-creditor law. Many of these articles have involved procedural and constitutional issues connected with the enforcement of money judgments obtained in state and federal courts and issues involving fraudulent conveyance and voidable preference law, all of which are implicated in the current volume. He has taught a basic debtor-creditor course for over 25 years. Besides teaching at Cardozo Law School, Carlson has taught at the George Washington School of Law, the University of Miami Law School, the University of Michigan Law School, Washington & Lee School of Law, and the Interdisciplinary Institute at Herzlya, Israel.

ISBN: 978-1-60042-126-6, Hardcover November 2010, 380 pages, \$64.95

# Business Law

## Law and the Financial System

### Securitization and Asset Backed Securities: Law, Process, Case Studies, and Simulations

***Tamar Frankel and Mark Fagan***

LAW AND THE FINANCIAL SYSTEM: SECURITIZATION AND ASSET BACKED SECURITIES provides students and practitioners with a comprehensive source of materials and references for understanding the process and issues that surround the conversion of illiquid financial assets into tradable securities. The book begins with an overview of the financial system and the place of securitization in the system. The book focuses on the process and law of securitization and is derived largely from Tamar Frankel's treatise, *Securitization* (2nd ed. 2005). The book concludes with a global view of securitization and an assessment of the impact and future of securitizing financial assets. The legal text is enhanced with case studies and simulation exercises that bring context and practical application to the subject. Study questions covering law, business and public policy provide students with an opportunity to discuss and debate areas where answers are complex and often indeterminate. Simulation exercises enable students to test their own ideas with their peers using real world examples. The book can be used as a stand alone course on securitization or as a supplementary text for courses on financial regulation. Practitioners will find the book a useful desk reference.

This is the second book co-authored by Mark Fagan and Tamar Frankel. The first was "TRUST AND HONESTY IN THE REAL WORLD" (2007).

**Tamar Frankel**, a native of Israel, is a long-time member of the Boston University School of Law faculty. She practiced in Israel, Boston and Washington, D.C. and is a member of the Massachusetts Bar, the American Law Institute, and The American Bar Foundation.

**Mr. Fagan's** research centers on the role of regulation in competitive markets. He teaches courses and guest lectures at Boston University School of Law and at Harvard Kennedy School. Mark Fagan is a founding partner of Norbridge, Inc. a general management consulting firm.

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*Deirdre L. Hay*

ISBN: 978-1-60042-050-4, Paperback October 2008, 596 Pages US \$64.95

# Civil Rights

## Civil Rights Legislation and Litigation

***Rosalie Berger Levinson and Ivan E. Bodensteiner***

Professors of Law, Valparaiso University School of Law

The goal of this book is to provide law students with an understanding of the major federal civil rights statutes. We begin with the Reconstruction Era laws, passed shortly after the Civil War, that remain an important part of the civil rights landscape even after Congress enacted additional statutes, beginning with the Civil Rights Act of 1964. The materials include Titles II and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Equal Pay Act, as well as three federal funding statutes that prohibit discrimination - the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. Some of the statutes overlap and we explore the advantages and disadvantages of each, looking at the enforcement options, remedies, including damages and attorney fees, defenses, and limitations on the power of Congress to pass such acts. More than thirty problems provide the students with an opportunity to apply the statutes they study.

The authors, **Rosalie Berger Levinson** and **Ivan E. Bodensteiner**, have taught a civil rights course, as well as Constitutional Law, for many years and have several years of experience litigating civil rights claims. They are the authors of a four-volume civil rights treatise, which is supplemented annually.

ISBN: 978-1-60042-067-2, Hardcover February 2009, 752 pages, \$89.95

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# Constitutional Law



## Cases on Constitutional Law

***Dennis Alan Olson***

Cases on Constitutional Law represents a commitment to the case method as the ideal way of studying Constitutional Law and Constitutional Law as the ideal vehicle for mastering the case method. Students have the opportunity to read carefully selected opinions in full or near-full text, seeing the complexity of the cases, the mix of the issues presented, and the array of responses provided by the Justices.

The book starts with the Constitution itself and two early cases that introduce and frame the issues of judicial power and Constitutional interpretation. From there, the book presents two major parts – one covering governmental power and the other addressing individual rights and the Fourteenth Amendment. Topics in governmental power include the powers of each of the branches of the federal government, the Court's role in resolving inter-branch disputes, and state-federal relations. Topics under the Fourteenth Amendment include Equal Protection, the state action doctrine, the incorporation debate, and the question of incorporating the Bill of Rights.

**Dennis Alan Olson**, B.A. 1978, J.D. 1984, Brigham Young University, has been a law professor since 1986, having taught previously at Chicago-Kent College of Law, the University of Oklahoma, Oklahoma City University, Texas Wesleyan University, the Appalachian School of Law, Florida Coastal School of Law, and Texas Tech University. He has taught Constitutional Law for over twenty years. Professor Olson served as the Founding Dean of the Appalachian School of Law, has been a Distinguished Visiting Professor of American Legal Studies at Southern Virginia University, and was Provost at the University of Great Falls. He is now teaching at the University of Detroit Mercy School of Law where he has been since 2007.

ISBN: 978-1-60042-129-7, Hardcover December 2010, 1056 pages, \$109.95

## **Cases on The First Amendment**

### ***Dennis Alan Olson***

CASES ON THE FIRST AMENDMENT is devoted to two core principles. First, careful study of Supreme Court opinions is the pinnacle of case analysis, and study of the First Amendment is at the pinnacle of the pinnacle. Second, students cannot master case analysis unless they see cases in essentially full text, allowing a full understanding of the complexity of the case and the nature of the Court's analysis.

The First Amendment poses some of the Supreme Court's most challenging cases, as the Court must match rights most critical to a free society with the interests of society. A student who can master case analysis with First Amendment cases can analyze any case on any topic from any court.

This casebook focuses on a limited number of carefully chosen, lightly edited cases that demonstrate the breadth of the complex issues the Court faces in First Amendment disputes and the depth of the analysis devoted to resolving them. The historical development of the law is often described by the Justices themselves in their opinions. Students thus have an opportunity to learn not only the results of cases and current jurisprudential tests but also the reasoning that has shaped or challenged those tests and results.

**Dennis Alan Olson** is Professor of Law at the University of Detroit Mercy, School of Law.

ISBN: 978-1-60042-061-0, Hardcover, January 2009, 716 Pages US \$84.95

VANDEPLAS PUBLISHING LLC

**Comparative Constitutional Law:  
Brazil and the United States** *Second Edition*

***Charles D. Cole***

This publication includes constitutional concepts and materials applicable to the United States and Brazil. Introductory information concerning the two governmental systems is offered and comparative constitutional concepts are included in sufficient detail and citation to provide researchers, legal practitioners, students and teachers with a concise source to aid in understanding both the similarities and differences in the constitutional cultures of the two countries. An English translation of the 1988 Constitution of Brazil, with amendments, is included.

**Charles D. Cole** serves as the Lucille S. Beeson Professor of Law and Director of International Programs for the Cumberland School of Law, Samford University, Birmingham, Alabama.

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# Contract Law



## Principles of Contract Law - 2010 Edition

**Kevin S. Marshall & Juanda Lowder Daniel**

The law of contracts permeates most, if not all, other subjects of legal education. *Principles of Contract Law* surveys the fundamental legal principles underlying the law of contracts, addressing such customary topics as contract formation, defenses and other doctrines of avoidance, breach and performance, remedies, as well as such other collateral but related topics involving third-party beneficiaries, assignments and delegations. The text addresses the traditional common law principles governing contracts, and yet is accompanied by a steadied discussion of relevant commercial law principles pertaining to the sale of goods under Article 2 of the Uniform Commercial Code. When able to do so, the authors remained loyal to their commitment to utilize time-honored, classic common law cases in their presentation of the subject matter. While this textbook adopts a classical approach to the study of contracts, it is also provides a relevant and robust experience for the aspiring law student.

**Juanda Lowder Daniel** is Professor Law at the University of La Verne College of Law, Ontario, California, where she teaches *Contracts*, *Contract Drafting* and *Sales*. Professor Daniel received her J.D. from Emory University School of Law. Professor Daniel joined the La Verne Law faculty in 2001, bringing with her a wealth of practice experience and moot court familiarity. Professor Daniel spent four years as deputy city attorney for the City of Riverside, California, and several years in private practice. She is a member of the state bars of California, Michigan, Illinois, Washington, and Minnesota and is admitted to the United States District Court, Central District of California. Professor Daniel has published and presented numerous articles on various aspects of the law of Contracts and Sales.

**Kevin S. Marshall** is Professor of Law at the University of La Verne College of Law, Ontario California where he teaches *Contracts*, *Antitrust*, *Corporate Finance and Governance* and *Law & Economics*. Professor Marshall also serves as Lecturer at the University of La Verne College of Business and Public Administration where he teaches graduate courses in finance, economics and quantitative methods. Professor Marshall joined the La Verne Law faculty in 2004, after having practiced law for approximately twenty years in Dallas, Texas. Professor Marshall received his J.D. from Emory

## CATALOG 2011 – CONTRACT LAW

University School of Law and his M.P.A. and his PH.D. in Political Economy from the University of Texas. Professor Marshall also serves as both a testifying and consulting economic expert with respect to economic damages in Robinson-Patman, antitrust, breach of contract, class-action fairness hearings, wrongful termination, employment discrimination, personal injury, and wrongful death cases. Professor Marshall has published and presented numerous books and articles involving the interdisciplinary workings of law and economics.

ISBN: 978-1-60042-114-3, Hardcover December 2010, 828 pages, \$89.95

## **Principles of Contract Law – Supplemental Readings and Exercises**

***Kevin S. Marshall & Juanda Lowder Daniel***

This book offers supplemental readings and exercises for the book: Principles of Contract Law

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# Criminal Law

## **A Call to Action: Re-Arming the Government in the War Against Defense Procurement Fraud**

**Michael J. Davison**

ISBN: 978-1-60042-049-8, Paperback October 2008, 184 Pages US \$37.95

## **Criminal Law Cases, Materials, and Problems Second Edition**

**David S. Rudstein, Editor**

CRIMINAL LAW: CASES, MATERIALS, AND PROBLEMS, SECOND EDITION, focuses on basic principles of Anglo-American criminal law and is designed for use in an introductory course in Criminal Law, either in a law school or an undergraduate program in Criminal Justice, taught by teachers who use the case method of instruction. The book includes cases and statutes from various jurisdictions, as well as excerpts from the Model Penal Code. In addition, the author has strategically placed problems throughout the book so students can apply the law set forth in the cases and statutes to new fact situations, thereby allowing them to test their knowledge and reinforce their understanding of the relevant legal principles. The goal of the book is twofold: first, to help students gain an understanding of the general principles of Anglo-American criminal law; second, to aid students to develop their skills in case analysis, statutory interpretation, synthesis of cases, and problem-solving.

**David S. Rudstein** is Professor of Law and Co-Director of the Program in Criminal Litigation at Chicago-Kent College of Law, Illinois Institute of Technology.

ISBN: 978-1-60042-042-9, Hardcover August 2008, 488 Pages US \$69.95

## **Criminal Procedure: The Investigative Process**

***David S. Rudstein, Editor***

CRIMINAL PROCEDURE: THE INVESTIGATIVE PROCESS is a casebook dealing with the limitations imposed by the United States Constitution upon law enforcement officers in their investigation of criminal activity. The book consists entirely of edited cases decided by the United States Supreme Court and focuses upon the Fourth Amendment prohibition against unreasonable searches and seizures, the limitations placed upon identification procedures and interrogations by the Fifth, Sixth, and Fourteenth Amendments, and the remedies for a violation of any of these constitutional provisions. It is designed for use in a basic course in Criminal Procedure, either in a law school or an undergraduate program in Criminal Justice, taught by teachers who use the case method of instruction.

**David S. Rudstein** is Professor of Law and Co-Director of the Program in Criminal Litigation at Chicago-Kent College of Law, Illinois Institute of Technology.

ISBN: 978-1-60042-041-2, Hardcover August 2008, 799 Pages US \$89.95

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## **Louisiana Criminal Law: Cases and Materials** Second Edition

***Bobby Marzine Harges and Gaynell Williams***

LOUISIANA CRIMINAL LAW: CASES AND MATERIALS is a textbook designed for use in the basic Criminal Law course taught in a law school or an undergraduate program in Criminal Justice. The text includes cases from the state of Louisiana and statutes from the Louisiana Criminal Code. The format of this book is a combination of Louisiana criminal cases, statutes, comments and questions. Each chapter of the book begins with an introduction to the basic principles and crimes that will be discussed in the chapter followed by questions and comments. The cases have been selected because they reflect the issues of major importance regarding basic concepts of criminal law as interpreted by the Louisiana Supreme Court and Louisiana appellate courts. Selected provisions of the Louisiana Criminal Code are included in the Appendix.

The questions at the end of the cases should assist students in developing their analytical skills and understanding of criminal law. The cases and statutory appendix should provide students with all the information they need to successfully answer the questions.

**Bobby Marzine Harges** is the Adams and Reese Distinguished Professor of Law II at Loyola University New Orleans. **Gaynell Williams** is the First Assistant District Attorney at the Orleans Parish, Louisiana District Attorney's Office.

ISBN: 978-1-60042-043-6, Paperback August 2008, 768 Pages, US \$74.95

# Elder Law

## Elder Law

***Mike Jorgensen***

The first chapter of this book introduces basic demographics about our elderly, in order to establish an understanding of the aging population.

Chapters Two, Three, Four, Five and Six concern mental capacity issues and discuss subjects as what is capacity, what causes incapacity, what are the warning signs, how does the elder law attorney make an assessment of the client's capacity? The discussion then evolves into informed consent, the physician's duty to inform, self autonomy, and the right to privacy. In Chapter Seven, health care issues and the history of our health care system today. are discussed. In Chapter Eight we introduce Medicare, eligibility, deductibles and co-payments, spells of illness and levels of skilled care. In Chapter Nine we learn about private health insurance and basics of ERISA, long term care insurance and the policy concerns of privatizing Social Security. In the next chapter, Chapter Ten, we begin the learning of Medicaid and we discuss eligibility, Miller Trusts, and the basics of planning.

Chapter Eleven is dedicated to "special needs trusts" and the importance of having such trusts in the limited situations where needed. In Chapter Twelve, we introduce employment issues that affect the elderly and aging, from employment discrimination to an introduction to disability discrimination. Chapter Thirteen discusses planning for our estates and the disposition of property. Chapter Fourteen introduces the ugly side of elder law and a discussion of nursing home litigation and elder abuse generally. Chapter Fifteen concern domestic issues, including an introduction into the Troxel issues of grandparent visitation and adoption.

Chapters Sixteen and Seventeen concern transportation issues and housing issues, respectively. Chapter Seventeen discusses the issues of whether the elderly should be provided property tax reductions and exemptions to allow the elderly to age in place, rather than lose their homes to tax increases and burdens.

**Mr. Jorgensen** is former Associate Professor of Law at the Florida Coastal School of Law. He now runs his own law practice in Jacksonville, Florida.

ISBN: 978-1-60042-013-9, Hardcover, January 2008, 786 Pages US \$84.95

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# Electronic Commerce Law

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*Wendy E. Wagner*

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# European Union Law

## **Unity in Diversity?**

**The Challenge of Diversity for the European  
Political Identity, Legitimacy and Democratic  
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Ultimate Test Case**

**Sanem Baykal**

ISBN: 978-1-60042-005-4, Paperback May 2006, 129 pages US \$49.00

# Evidence Law

## **Evidence Law Analyzed: Principles, Problems, and Cases Under the Federal and Maryland Rules**

***Lynn McLain***

*EVIDENCE LAW ANALYZED* provides explanations of each area of evidence, with special emphases on preservation of the record and on the admissibility of hearsay. So that students may see the rules applied in the context of complete trials, appendices set forth two trial transcripts, one criminal and one civil, to which references are made throughout the text. The book uses the more recently adopted Maryland code of evidence to compare and contrast with the Federal Rules of Evidence. Problems and questions are designed to test readers' understanding of the evidence rules and the policy decisions underlying them. The author encourages students to analyze how the various rules shape results and whether either the federal or Maryland rules should be revised. The book includes landmark cases, as well as recent case law exemplifying the application of the rules and their interaction with the constitutional mandate of the confrontation clause.

**Lynn McLain** is Professor and Dean Joseph Curtis Faculty Fellow, University of Baltimore School of Law.

ISBN: 978-1-60042-048-1, Paperback September 2008, 592 Pages US \$46.95

VANDEPLAS PUBLISHING LLC

## **The Anatomy of Litigation in Louisiana Courts: Legislation, Cases, Comments and Problems**

***Frank L. Maraist***

This book is the result of forty years of teaching a course in Evidence at the law school level, and serving as a trial attorney and district judge and as a leader in Evidence studies with other lawyers and judges. It is based on the premise – often overlooked at the law school level – that the key generally is a recognition of how an evidentiary rule applies to a particular fact situation, and, usually, to make that recognition almost instantly and without any brotherly (or sisterly) help. It also is a recognition that evidence is part of the larger issue of proof, which encompasses much of the procedural rules in the federal and state jurisdictions.

This book is not a substitute for a treatise on evidence law. What is attempted here is to provide materials that will help familiarize the student with the general rules of evidence and proof and to provide him or her with an opportunity to recognize the application of those rules to fact situations. Thus, after one familiarizes oneself with the basic rules of evidence and proof, problems are provided to give the user the opportunity to apply those rules in a trial-oriented fact situation.

The book begins with a syllabus which outlines the anatomy of litigation from the selection of a cause of action through trial on the merits. The syllabus contains many valuable citations, but is not intended as an exhaustive treatment of the law. That work is left to the treatises.

**Frank L. Maraist** is Professor of Law at the LSU Law Center, Baton Rouge, LA.

ISBN: 978-1-60042-062-7, Hardcover January 2009, 352 Pages US \$59.95

## Family Law



### **Children and the Law: The Competing Rights, Privileges, and Interests of Children, Parents, and the State, A Reader**

***Joan Catherine Bohl & Christine Metteer Lorillard***

Recent developments in family law, including, but certainly not limited to same-sex marriage and second parent adoption, make issues surrounding children and their families increasingly popular. This book is a vehicle to teach some of the contested issues without always relying on cases. As a supplemental text, the book provides law students, as well as social welfare or public policy graduate students interested in family relations, with a multifaceted analysis of how families have become the focal point for debate, providing information on how families function as social institutions and how the law interacts with them. It also deepens such students' understanding of things like the meaning of family, the rights and responsibilities of parents, and the best interests and rights of children.

**Joan Catherine Bohl** is Professor of Legal Skills at Stetson Law School, currently a visiting professor at Santa Clara Law School. She received her B.A. from Boston University and J.D. from Suffolk University Law School. Professor Bohl served for five years as staff attorney to the Rhode Island Supreme Court, becoming counsel to the Court's Ethics Advisory Panel. She is a nationally-recognized expert on grandparent visitation.

**Christine Metteer Lorillard** is Professor of LAWS (Legal Analysis, Writing, and Skills) at Southwestern Law School in Los Angeles. She received her B.A., M.A., and Ph.D. from UCLA. Professor Lorillard has pursued a strong interest in both Native American and Children's Rights, resulting in nationally-recognized articles on the Indian Child Welfare Act, state adoption law, and determining "Indian" status for federal rights and benefits.

ISBN: 978-1-60042-086-3, Paperback February 2010, 698 pages, \$64.95

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## **Family Law in Louisiana, First Edition 2009**

***Katherine Shaw Spaht and J. Randall Trahan***

FAMILY LAW IN LOUISIANA is designed for use in law school courses that involve the study of the distinctive family law of Louisiana, a law that represents a unique blend of Continental (“civilian”), Anglo-American, and autochthonic legal principles. Topics covered include those that would be covered in a standard textbook on American family law, including prerequisites for and the nullity of marriage; the dissolution of marriage; the incidents of divorce, such as interspousal alimony, child custody, and child support; filiation (paternity); parental responsibility and authority; care for children outside of marriage (tutorship); care for incapacitated adults (curatorship); choice of law; and constitutional constraints on state regulation of family relations.

**Katherine Shaw Spaht** is the Jules F. and Frances L. Landry Professor of Law (Emeritus) and former Vice Chancellor (1990-1992) at Louisiana State University’s Paul M. Hebert Law Center. Through the years she has produced a significant corpus of publications pertaining to family and marital law. **J. Randall Trahan** is the James Carville Alumni Professor of Law at Louisiana State University’s Paul M. Hebert Law Center. In each of the past ten years, he has taught courses in “family” or “marital property” law. During that same time he has produced several publications related to family or marital property law.

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**See page: XXXXXX**

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**Lucy A. Marsh**

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**Lucy Marsh**, Professor of Law at University of Denver Sturm College of Law.

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This book invites the reader to study the details of Louisiana's regime of patrimonial rights and duties between husband and wife, and also to consider comparisons with the matrimonial regimes of other civilian and Anglo-American systems.

**Katherine Shaw Spaht** is the Jules F. and Frances L. Landry Professor of Law (Emeritus) and former Vice Chancellor (1990-1992) at Louisiana State University's Paul M. Hebert Law Center.

**Andrea Beauchamp Carroll** is the C.E. Laborde, Jr. Professor of Law at Louisiana State University's Paul M. Hebert Law Center.

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## General Law



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***Mack A. Player***

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**Mack A. Player** is Professor of Law at Santa Clara University, where he teaches Introduction to United States Law and Employment Discrimination Law. Professor Player served as Dean of the Law School at Santa Clara University from 1994-2003 after which he served as the Director of Santa Clara Center for Global Law and Policy. Professor Player has held chaired professorships at the University of Georgia and at Florida State University. He has taught courses in United States Law at the Universities of Vienna, St. Gallen (Switzerland), and Gent (Belgium). He has published casebooks, a text, and nutshells on Employment Discrimination.

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Importantly, this book eliminates much of the mystery of courtroom proceedings. It is an invaluable guide for anyone who has a case, or is thinking about having a case, in our courts. The book provides an overview of the entire litigation process, and so meets an urgent need for law students, paralegals, and new lawyers who have never handled a case from beginning to end.

**Marilyn Englander** established her own school, REAL School Marin, in Marin County, California, where students focus on personal and civic responsibility and global citizenship. **Curtis Karnow** is a judge on the San Francisco Superior Court.

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**Russell G. Murphy** is Professor of Law at Suffolk University Law School in Boston, Massachusetts. During his 37 year career as legal teacher, law school administrator, and scholar, he has published numerous articles on such diverse subjects as international human rights, the rights of criminal defendants, the admiralty law of treasure hunting, punitive damages, and capital punishment. Professor Murphy was a witness at the New York Hearings. VOICES is based on his decade-long work on the subject of capital punishment and honors the memory of murder victim Jill Russell Cahill, whose story was central to the New York Hearings.

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Chapter one serves as both introduction and conclusions.

The conclusions are:

- 1) Governments and rulers are not much interested in developing law, especially not private law, but leave this to others to whom they do not grant power to make law;
- 2) Even famous lawmakers are seldom interested in a particular social issue in law or in giving law certainty;
- 3) Borrowing, even mindless, is the name of the legal game.

Chapters range from grand legislation (the Ten Commandments and Napoleon's code civil) to unrecognized law in action and daily life (Jesus and the Samaritan woman, Jesus and the adulteress, the claim that Julius Caesar descended from a slave). Other chapters deal with judges' passivity in giving needlessly a judgment they claimed was unjust, to deciding against the judge's own theoretical and practical position (Somerset's Case).

Likewise stressed is the difficulty of developing law fit for the society, and of understanding foreign legal thinking. The survival of law in different circumstances for centuries and also in a different place is emphasized.

The chapters are separate entities, and the author claims that each must stand on its own merits, but he insists that if each is plausible, then together

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they present a very different approach to law in society from those habitually offered.

**Alan Watson**, Professor of Law at the University of Georgia School of Law, is regarded as one of the world's foremost authorities on Roman law, comparative law, legal history, and law and religion.

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# Jurisdiction



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***Richard H.W. Maloy***

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Both Chief Justice Salmon P. Chase and Justice Oliver Wendell Holmes, writing for the U.S. Supreme Court, have proclaimed that the jurisdiction of a court is its power to render meaningful judicial decisions. Justice Anthony M. Kennedy, also writing for the Court, has cautioned the courts not to use that power to stifle the ever so important freedom of speech of the populace. The statutes and judicial decisions, of which this work is an important part, have been presented with both observations of those learned scholars emphatically in mind.

Professor **Richard H.W. Maloy** holds a Bachelor of Arts degree from Dartmouth College, a Juris Doctor degree from Columbia Law School, and a Master of Laws degree from the University of Miami. During his 34 years of law practice in Miami, Florida he was an Adjunct Professor of Law at the University of Miami and the author of books on appellate practice, pleadings and bankruptcy. For 25 years he continually updated his 14 volume set of Florida Forms of Practice for the law book publisher, Matthew Bender & Co. He has been on the faculty of St. Thomas University School of Law in Miami

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since 1991, and is a Professor Emeritus at that school, where he teaches Conflict of Laws and Remedies.

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# Legal Education / Education Law

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**Bernard James** is Professor of Law at Pepperdine University. He obtained both his undergraduate and law degrees from the University of Michigan.

**Mary Margaret Penrose** is Professor of Law at the University of Oklahoma. She received her J.D. from Pepperdine University and an LL.M from the University of Notre Dame.

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# Legal History / Biography



## **A Lifetime of Pleasant Work: Tributes to 20<sup>th</sup> Century Law Professors**

***Richardson R. Lynn***

A LIFETIME OF PLEASANT WORK collects law review tributes to law professors and deans. Some are famous and others little-known, but all changed the character of their law schools and the lives of their students. When Samuel Williston retired from the Harvard Law School, he thanked the Harvard Corporation for "a lifetime of pleasant work." Those lucky enough to teach law students know what others only suspect: it is the best job in America. The joys of law school teaching and the personalities of law professors are revealed each year in law reviews which feature articles, memoirs, and brief remarks about law professors who die, retire, or move to other schools. These 145 tributes tell the story of legal education while they tell of heroes--brilliant, dedicated teachers and scholars who made unforgettable impressions on the lawyers they taught.

Facetiously, Dean Erwin Griswold said, "The only test of a good law teacher is whether he can be heard in the back row." Most lawyers, however, remember at least one professor who touched lives and careers in dramatic ways. Willis L. M. Reese spoke of hundreds of law teachers when he wrote of Eliot Cheatham, "He has taught well and has given of himself freely. He has helped countless persons and has made countless persons better for having known him. He has proved himself great in what may be the greatest of all professions."

**Richardson R. Lynn** is Dean of Atlanta's John Marshall Law School, former dean of Pepperdine University School of Law, and a long-time collector of law review tributes. He is a graduate of the Vanderbilt University Law School.

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## **William P. Homans Jr.: A Life In Court**

**Mark S. Brodin**

Boston lawyer William P. Homans Jr. devoted his fifty-year career to the defense of the poor and downtrodden, the protection of our most basic civil liberties, and the abolition of the death penalty. Descendant of two of Boston's oldest and most prominent families, and combat veteran of both the British and American Navies during World War II, Homans became unlikely guru to the 1960s generation of radical lawyers and antiwar activists. He was on the defense team in the 1968 conspiracy trial of Dr. Benjamin Spock and four other leading opponents of the Vietnam War accused of aiding and abetting resistance to the military draft, and represented Dr. Kenneth Edelin in the 1975 manslaughter prosecution arising out of a lawful abortion performed after *Roe v. Wade*.

The narrative contrasts Bill Homans' storied legal career with a troubled personal life in a balanced but unvarnished manner, testifying to the strength of the human spirit when committed to the pursuit of the common good.

**Mark S. Brodin** is Professor of Law at Boston College Law School and the author of numerous books and law journal articles in the areas of civil and criminal procedure, evidence, litigation, and employment discrimination. A graduate of Columbia College (1969) and Columbia Law School (1972), he served as law clerk to United States District Judge Joseph L. Tauro and staff attorney with the Lawyers' Committee for Civil Rights in Boston. He has also practiced for brief periods as a public defender in Boston and a prosecutor in Norfolk County.

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# Sports Law



## **Sports Law: Cases & Materials** **Second Edition**

### **Russ VerSteeg**

Professor of Law, New England Law | Boston, MA

Most Sports Law students are passionate about sports, and would love to work in the field of Sports Law. That goal has shaped the content of this book. Although there are precious few opportunities for students to become sports agents, there are thousands of other opportunities available for lawyers in the world of sports. Leagues, conferences, schools, teams, shoe and apparel companies, equipment companies, and media (both electronic and print) have jobs that would be fabulous for a sports nut with a law degree.

Thus, although this book does have a chapter on Sports Agency, it covers a broad range of other topics and issues, dealing with both professional and amateur sports. Familiarity with a variety of topics will provide the best foundation for students to determine which aspects of Sports Law they would like to pursue.

This book is designed to be used in three types of classes. First, these materials can be used in a standard 2 or 3 credit law school Sports Law course. In addition, the book includes explanations about the elementary principles of each legal topic (e.g., torts, contracts, constitutional law, antitrust, etc.) so that professors who teach Sports Law to undergraduates can use it in their classes. Those same explanations also make the book appropriate for graduate students studying Sports Law in many graduate programs, such as Exercise and Sports Management.

Professor **Russ VerSteeg** has been involved in sports since childhood. In high school he pole vaulted and ran cross country. After a brief stint on the track team during his freshman year in college, he hung up his spikes and focused on academics. He graduated Phi Beta Kappa from the University of North Carolina at Chapel Hill (1979) and Magna Cum Laude from the University of Connecticut School of Law (1987). Between college and law school, he taught high school and coached track and cross country. Professor VerSteeg has taught at New England Law | Boston, MA, since 1991, and specializes in Sports Law, Copyright, Trademarks, and Legal History. He

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has published seven books and over 25 law review articles (five relating to pole vault safety). He has crusaded to improve pole vault safety and serves on the USATF Women's Pole Vault Development Committee and as legal adviser for the Pole Vault Safety Certification Board. Russ also volunteers as the pole vault coach at the Norwich Free Academy in Connecticut.

ISBN: 978-1-60042-110-5, Hardcover, July 2010, 400 pages, \$64.95

# Statutory Law



## Florida Statutory Interpretation

***Christopher J. Roederer***

Florida Statutory Interpretation is a text designed for either a short stand alone course on Florida statutory interpretation or as a supplement for those wishing to integrate Florida specific materials into a course on statutory interpretation or on legislation more generally. It follows the conventional treatment of statutory interpretation found in standard textbooks on the subject.

This book captures the doctrine on Florida statutory interpretation through recent leading cases and includes introductory materials, notes and questions in order to further explain and probe the doctrinal issues.

**Christopher J. Roederer** is Professor of Law at Florida Coastal School of Law where he teaches Statutory Interpretation, Florida Statutory Interpretation, Constitutional Law and International Law. Professor Roederer is the co-author, with Professor John Knechtle of *MASTERING CONSTITUTIONAL LAW* (2009) and Co-editor, with Professor Darrel Moellendorf of *JURISPRUDENCE* (2004).

ISBN: 978-1-60042-127-3, Paperback December 2010, 202 pages, \$42.95

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# Tax Law



## **Advocating for Low Income Taxpayers: A Clinical Studies Casebook** Second Revised edition

***Diana Leyden***

This book is designed for a clinical program or pro bono program that assists low income taxpayers with federal income tax controversies. It draws from four main areas: lawyering skills of interviewing and counseling; ethics; federal tax practice and procedure; and federal tax litigation. Appendices with examples of documents and letters are included to provide practical material. Basic information in the four areas is presented through a combination of commentary, cases, excerpts from federal tax law and procedure, and questions for discussion. Appendices provide sample documents that compliment the topics.

Unlike other law school case books, the cases have not been extensively edited because the book is meant to provide students and practitioners the opportunity to fully explore and understand the facts and holdings of the cases. Generally, footnotes in reprinted cases and other materials are numbered as in the original.

The student who completes a course using this book should have a firm grounding in tax practice and procedure common to tax controversies of individual taxpayers. Practitioners who use this book will be prepared to assist low income taxpayers pro bono, be part of volunteer work with a low income taxpayer clinic or bar association program.

While the organization of the book is based on an ideal of how material should be presented, professors can rearrange the reading based on the topics presented in current clinic cases. Practitioners can pick and choose the chapters applicable to their cases, but should not skip the chapters on lawyering skills.

**Diana Leyden** is a Clinical Professor at the University of Connecticut School of Law.

ISBN: 978-1-60042-081-8, Paperback July 2009, 772 Pages US \$69.95



## Family Tax Law

***Richard J. Wood***

Family Tax Law is organized around family law topics that also raise serious tax law issues. Its goal is to serve both the family law and tax law academic communities by providing a text book that links family law issues with related tax law problems. The book covers federal income tax issues concerning the formation and dissolution of family structures. It continues with chapters that address children, education, family health, family home and other family topics, along with the federal tax issues that accompany them. The first chapter provides a review of basic tax law principles sufficient to allow non-tax students to proceed with the family tax law materials that follow. Family Tax Law supports a family law curriculum by providing detailed illustrations and problems concerning family law topics and the associated federal income taxation issues. By omitting business and gift and estate tax matters, there is more space for in-depth discussions of family law topics. Family Tax Law contains the text of every section of the Internal Revenue Code necessary to understand the family law issue being discussed. It will not be necessary for students to purchase a separate supplementary code book. A teachers manual is available.

Prior to becoming a full-time law professor in 1990 at Capital University Law School in Columbus, Ohio, Professor Wood spent 10 years with the IRS Office of Chief Counsel in Washington, D.C. In 1988, Wood was selected as one of three attorneys in the Office of Chief Counsel assigned to be visiting professors of law at an American law school. Professor Wood teaches tax law courses including, federal personal income tax and family tax law, as well as courses in business associations, and has published articles on various tax subjects in leading law reviews.

**Professor Wood** speaks regularly on the tax implications of adoption at Adoption Academy programs presented by the National Center for Adoption Law and Policy. Early in his career Wood worked with the San Francisco non-profit law firm Gay Rights Advocates where he participated in their efforts to defeat the Briggs Initiative.

Professor Wood received his undergraduate degree from the University of Kentucky, his J.D. from The Ohio State University Moritz College of Law and his LLM (Taxation) from Georgetown University Law Center.

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**Richard A. Westin** is Professor of Law at the University of Kentucky College of Law, **Richard C.E. Beck** is Professor of Law at the New York Law School and **Sergio Pareja** is Associate Professor at the University of Mexico School of Law.

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# Torts Law



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Professor Stephen Offei, MA, BPhil., PhD (Glasgow) S.A R.F., F.S.A.L.S (IALS) (London), qualified as a barrister in England in 1973. He is currently the Dean of the Faculty of Law at the Kwame Nkrumah University of Science and Technology, Kumasi and the Director of the Ghana Institute of Advanced Legal Studies (GIALS). His research interests are in the areas of Common Law, Administrative Law, Public International Law, Jurisprudence & Philosophy of Law, Medical Law and Legal Education. He is also the author of *Law & Philosophy* (1986) *Basic Jurisprudence and Legal Philosophy*, 1<sup>st</sup> edition 1998 and 2<sup>nd</sup> edition (2010); *Law of Torts in the South Pacific*, 1<sup>st</sup> edition (1997) and 2<sup>nd</sup> edition (2006); *Ethics and Punishment* to be published shortly.

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## **The Practice of Tort Law** **Second Edition**

***Nelson P. Miller & Paul T. Sorensen***

The authors designed this book on current education research. The book includes learner objectives, law summaries, skills and ethics paths, legal-analysis instruction, torts-practice vignettes and materials, case studies, and torts-career advice. Its design is to help you place torts doctrine in its practice context, develop a professional identity, and give you greater control over your learning. In its report *Educating Lawyers*, the Carnegie Foundation for the Advancement of Teaching urged reforms to integrate skills and ethics into the doctrinal dimension of law, to foster an apprenticeship of practice. This book is an example of the innovation that gives Cooley Law School its preeminence at practice preparation.

**Nelson Miller** is an Associate Dean at Thomas M. Cooley Law School. Before joining Cooley, Dean Miller practiced civil litigation, winning and defending multi-million dollar jury trials in torts cases. His public service includes writing Supreme Court amicus briefs, providing pro-bono legal services, advising charitable non-profits, and serving as president of a public-private partnership providing legal forms and information to unrepresented litigants. Dean Miller is the author of books on law teaching and legal education. The State Bar of Michigan recognized Dean Miller as a Citizen Lawyer and gave him the John W. Cumiskey Award for pro-bono service.

**Paul Sorensen** is a Professor at Thomas M. Cooley Law School. Before joining Cooley, Professor Sorensen practiced law for thirty years, specializing in civil litigation. His contributions to the bar have often been recognized by the legal community, including his receipt of the Grand Rapids Bar Association's President's Award for service. Professor Sorensen is a past President of the Grand Rapids Bar Association and the Western Michigan Chapter of the Federal Bar Association. He is included in the Best Lawyers in America and in Michigan Super Lawyers.

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## **Tort Law: The American and Louisiana Perspectives**

***John M. Church, William R. Corbett, Thomas E. Richard and John V. White***

TORT LAW: THE AMERICAN AND LOUISIANA PERSPECTIVES has as its primary objective a study of tort law in the United States and Louisiana. It differs from most other torts casebooks, however, in that it has a secondary objective of providing an exercise in comparative law. In the United States, we often overlook the fact that the common law system that prevails in our nation is not the only legal system in the world. Much of the world applies a civil law approach in which a civil code has a more prominent role than case law. In a world in which trade and economics, politics, and law cross national borders, it has become increasingly important to be aware of and conversant in other nations' legal systems. Louisiana, the only state in the United States that can be described as a mixed jurisdiction, using both civil law and common law, provides an excellent model for examining and comparing and contrasting civil law and common law approaches to various legal issues.

This book invites the reader to both study tort law and consider the differences and similarities between the common law states and a state that has a civil code and views the role of the courts and the legislature somewhat differently.

**John M. Church** is the Harry S. Redmon Professor of Law at the Paul M. Hebert Law Center of Louisiana State University. **William R. Corbett** is the Frank L. Maraist Professor of Law at the Paul M. Hebert Law Center of Louisiana State University. **Thomas E. Richard** is Professor of Law at the Southern University Law Center. **John V. White** is the Dean and Professor of Law at the William S. Boyd School of Law at the University of Nevada Las Vegas.

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