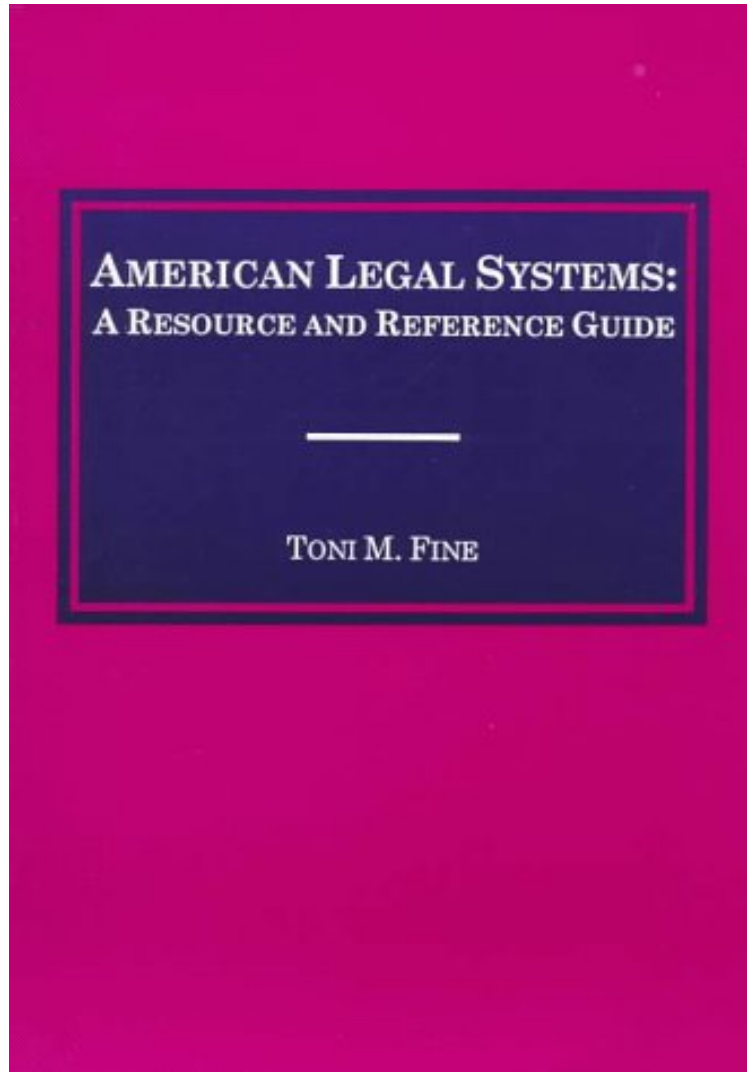


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American Legal Systems: A Resource and Reference Guide

Toni M. Fine

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practical and concise guidebook for American and foreign lawyers, especially those civil law trained lawyers, who want to gain a clear picture of American legal system within short time. Prof. Fine finished this book not only on the basis of many years of teaching American legal system at prestigious NYU School of Law, but also on the basis of her over ten years of productive academic research in this field. As a Chinese lawyer, I personally have benefited greatly from reading this book. Therefore, I'd like to encourage other foreign lawyers to share the informative knowledge presented in this book. It is true that you can find innumerable books on American legal system either in bookstores or libraries. However, most of the legal works focus on specific or even very narrow areas of law, so as to satisfy academic exploration requirements. And most commonly used approach for foreign lawyers to learn American legal system is to start from very detailed yet specific areas of law. Therefore, it is natural for readers of this sort of books take it for granted that, they have known American legal system. In fact, what they have learned is only a part of American legal system, not the American legal system as a whole. Almost every body knows exactly the story of Indian blind men, who touched deferent parts of the same elephant, and mistook elephant either as a wall, or as a big fan, etc. To avoid the stupid mistakes made by these poor blind men, Prof. Fine just worked out a very clear picture of American legal system in a condensed form. After reading this book, I found the orientation of American law without difficulties, and got very familiar with basic concepts of American jurisprudence, case law, statutes and legislative history, administrative and other executive law, civil litigation, appellate court review, basic legal citation form, preparation of interoffice memorandums, memorandums of law, and preparation of appellate briefs. In a sense, I'd like to call this book a navigator in the ocean of American law. Before I read this book, I had found no such sort of navigator. In order to enable readers operate and use the navigator easily and pleasantly, Prof. Fine tried her best in developing this book in a coherent, yet active and enabling way. The designation of the hierarchy of the whole structure of this book, including the headlines and sub-headlines, is very clear, concise and logical. The author also tends to guide the readers have the sight seeing from farther too nearer. For instance, the author introduced the basic concepts of stare decisis, court hierarchy, jurisdiction, dual court system, primary versus secondary authority at the very beginning of this book, and developed them further in details when readers proceed on exploring. Reading this book, is just like exploring a well-designed building group. To keep readers excited instead of tired while reading, the author used over sixty live and narrative charts, and avoided boring legal language. Therefore, almost each and every foreign lawyer or business people with basic English language skills could understand this book very well. When I introduced this book to my colleagues in China, almost all of them think it necessary to translate this book into Chinese, and publish it in Chinese, so as to make it available to hundreds of thousands Chinese law students, lawyers, legal scholars, business people and general public, who have strong interest in American law. I could not imagine that Chinese students do not have this book as an indispensable reference book if they want to study American law in the future. Although this book can not replace other American law books in specific areas of law, other books could be understood better and deeper with the assistance of this book as a navigator. I believe it is also true with the counterparts in other countries, especially the civil law countries. Of course, American law school students and business school students having interest in studying American law are also the suitable beneficiaries of this book. It is no wonder why this book has been printed for three times since it was published in 1997. I sincerely hope and believe this book will be published in more foreign languages, and enable more foreign lawyers use this navigator in skillful and experienced way when they explore American law for either academic purpose or business purpose. (The reviewer is Arbitrator, Beijing Arbitration Commission; Associate professor Deputy Director, Department of Business Law Economic Law, Institute of Law, Chinese Academy of Social Sciences. Email: junhai@public.east.cn.net; liujunhai_2000@yahoo.com)

This book provides an overview of American legal institutions and sources of law, and presents a guide to the interrelationships between and among those institutions and legal authorities. It discusses the defining role of the doctrine of stare decisis in the American common law system and the critical judicial review function. In addition, American Legal Systems shows the reader how to determine and apply the relative priorities of sources of law, all in the context of the legislative process, agency action, and principles of constitutional and legislative supremacy. American Legal Systems ties many of these concepts to the realities of law practice. Portions of the book demonstrate how to locate specific resources, use legal terms, and prepare commonplace legal documents. Among the main virtues of the book is its "reader-friendliness." It introduces readers to some extremely complicated issues of American jurisprudence in a clear and straightforward way.