Nietzsche and Law
Francis J. Mootz III and Peter Goodrich

Legal scholars have only recently begun to address the radical challenges for law and legal theory that follow from Friedrich Nietzsche's pathbreaking work. This collection brings together articles from leading thinkers who consider how Nietzsche's philosophical and rhetorical interventions illuminate the failures of contemporary legal theory. Part One considers the connections between law, political philosophy and Nietzsche's genealogy. Part Two provides a number of competing interpretations of Nietzsche's relevance for legal hermeneutics. Part Three includes articles that chart a course for legal critique that remains true to Nietzsche's radical character. The work of prominent philosophers, including P. Christopher Smith, is joined with the work of leading legal theorists, including Philippe Nonet and leading rhetoricians, including Marianne Constable, to provide complex and sophisticated overview of the manner in which Nietzsche problematizes law and legal theory.

Litigation Road: The Story of Campbell v. State Farm Insurance
Jeffrey W. Stempel

This text examines the 25-year case that began as an auto accident and concluded by making constitutional law. It produced both a hotly contested negligence trial and a pathbreaking insurance bad faith case. Along the way, both the Utah and United States Supreme Courts would make significant rulings on settlement, evidence, and punitive damages. The text demonstrates the manner in which many strands of law and policy coalesce in a lawsuit, illustrating the modern legal landscape of torts, civil litigation, contracts, evidence, insurance, professional responsibility, and negotiation and settlement, as well as trial practice.

Fundamentals of Pretrial Litigation, 7th ed.
Jeffrey W. Stempel, David F. Herr, and Roger S. Haydock

This edition includes the latest developments in pretrial practice while enhancing the useful features of previous editions. The 2007 amendments to the federal rules are covered throughout, and the sections on pleading have been updated to discuss federal court pleading requirements in light of Bell Atlantic v. Twombly. It reflects 21st-century practice with the growing use of electronic discovery and court orders, the expanded use of pre-
hearing discovery and motions in arbitrations and administrative hearings, and new procedural rule and case law developments across the spectrum of pretrial practice.

Encyclopedia of the Supreme Court of the United States

David S. Tanenhaus, Kay P. Kindred, Felice Batlan, Alfred L. Brophy, and Mark A. Graber

This 5-volume Macmillan focuses on the substance of American law, the processes that produce its legal principles, and the history of the Supreme Court, from its creation to the present. One of the encyclopedia's distinguishing themes is the examination of case law, the essential texts that form the backbone of legal and pre-legal study in the United States. Overview essays address the history of such topics as citizenship, due process, Native Americans, racism, and contraception, emphasizing the social context of each and the social and political pressures that shaped interpretation. This approach plays directly into the cutting-edge field known as the "law and social issues movement," which studies political and non-judicial history, and advocates a "law outside the courts" approach. The 1,100 peer-reviewed articles cover concepts, cases, topics, personalities, institutions, events, and processes. Written in accessible language and supplemented with a glossary, thematic outline, historical documents, illustrations, and indexes this title provides context and ease-of-use to law and pre-law students, professors, legal professionals and general users.

Global Issues in Criminal Law

Christopher L. Blakesley

This title provides an introduction to issues arising in international and transnational crimes, giving students a broader perspective on a developing area of the law. The book also provides faculty and students with material from domestic and international sources. It builds on a number of subjects treated in the traditional criminal law class, such as mens rea, actus reus, accomplice and conspiratorial liability, and defenses, by analyzing three subjects of current interest: transnational crimes, terrorism, and genocide.

Terrorism and Anti-terrorism: A Normative and Practical Assessment

Christopher L. Blakesley

This book addresses the complex, challenging, and dangerous problems relating to terrorism and to the attempts to address and stop terrorism. It includes not only a positivistic legal analysis of issues, but attempts to assess the costs facing us all in this modern reality of political violence. Blakesley challenges the so-called realist premise of fighting fire with fire and attempts to devolve a working definition of terrorism that may be applied to whatever group or nation that uses terror or terrorism as a tactic or strategy.

The Limits of Sovereignty: Property Confiscation in the Union and the Confederacy during the Civil War

Daniel W. Hamilton

Americans take for granted that government does not have the right to permanently seize private property without just compensation. Yet for much of American history, such a view constituted the weaker side of an ongoing argument about government sovereignty and individual rights. What brought about this drastic shift in legal and political thought?

Daniel W. Hamilton locates that change in the crucible of the Civil War. In the early days of the war, Congress passed the First and Second Confiscation Acts, authorizing the Union to seize private property in the rebellious states of the Confederacy, and the Confederate Congress responded with the broader Sequestration Act. The competing acts fueled a fierce, sustained debate among legislators and lawyers about the principles underlying alternative ideas of private property and state power, a debate which by 1870 was increasingly dominated by today's view of more limited government power.

Through its exploration of this little-studied consequence of the debates over confiscation during the Civil War, The Limits of Sovereignty will be essential to an understanding of the place of private property in American law and legal history.
Intellectual Property Cases and Materials
Mary LaFrance, David L. Lange, and Gary Myers

This edition has been thoroughly updated to include all significant legislative and judicial developments through April 2007. In addition, existing materials have been streamlined and restructured, and new topics introduced. In this way, the authors have enhanced the depth and breadth of coverage and facilitated short forays into optional topics, while giving professors tremendous flexibility in choosing the areas they wish to emphasize. In addition, by selecting among the topics presented within each broad subject area, a professor may change the emphasis or scope of the survey course from one year to the next without ever having to change textbooks.

Gadamer and Law
Francis J. Mootz III

Hans-Georg Gadamer’s philosophical hermeneutics is especially relevant for law, which is grounded in the interpretation of authoritative texts from the past to resolve present-day disputes. In this collection, leading scholars consider the importance of Gadamer’s philosophy for ongoing disputes in legal theory. The work of prominent philosophers, including Fred Dallmayr, P. Christopher Smith and David Hoy, is joined with the work of leading legal theorists, such as William Eskridge, Lawrence Solum and Dennis Patterson, to provide an overview of the connections between law and Gadamer’s hermeneutical philosophy. Part I considers the relevance of Gadamer’s philosophy to longstanding disputes in legal theory such as the debate over originalism, the rule of law and proper modes of statutory and constitutional exegesis. Part II demonstrates Gadamer’s significance for legal theory by comparing his approach to the work of Nietzsche, Habermas and Dworkin.

Remedies: Cases and Problems
Elaine W. Shoben, William Murray Tabb, and Rachael M. Janutis

This law school casebook focuses on the fundamental tools of judicial remedies, including injunctions, damages, and restitution. Materials have been revised and updated, particularly in the areas of punitive damages, tort reform, specific performance, equitable defenses, preliminary injunctions, and attorney fees. The casebook also provides coverage of topics such as contempt, damage caps, jury trial rights, and declaratory relief.

Principles of Remedies Law
Elaine W. Shoben, Russell Weaver, and Michael B. Kelly

This book is written in a student-friendly style designed to facilitate learning and comprehension. In addition, the book is up-to-date and contains the latest decisions from the United States Supreme Court and the lower federal and state courts.

Global Issues in Contract Law

This supplementary text facilitates the introduction of international, comparative, and transnational legal issues into the basic contracts course. It covers status and scope of the U.N. Convention on Contracts for the International Sale of Goods (CISG), contract formation issues, formal requirements, ambiguity of contract terms, parol evidence under domestic law and under the CISG, irrevocable offers, performance and breach, and comparative and CISG approaches to remedies. It is designed to inform but not overburden the basic contracts course. It also contains carefully drafted problems and notes and is accompanied by a teacher’s manual.

Powers Reserved for the People and the States
Jay S. Bybee, Thomas B. McAfee, and A. Christopher Bryant
Experts in the field of law explain the misunderstandings attached to and the intended meaning of the Ninth Amendment and its relationship to the Tenth Amendment of the United States Constitution.

American judges and legal scholars have long misunderstood the intended meaning of the Ninth Amendment and its relationship to the Tenth. Because of misinterpretation, the Ninth and Tenth Amendments have not been used to fulfill their original purposes. The limited and unlimited powers of the federal government have been shaped greatly by that error. In this book the authors clarify the actual meaning of the Ninth Amendment and its connection to the Tenth Amendment in order to provide a clear understanding of the full potential of the two amendments. Historical and contemporary details are included to provide an appreciation of the intended purpose of the amendments.

Rhetorical Knowledge in Legal Practice and Critical Legal Theory
Francis J. Mootz III

This book describes the significance of rhetorical knowledge for law through detailed discussions of some of the most difficult legal issues facing courts today, including affirmative action, gay rights, and assisted suicide. Francis J. Mootz III responds to both extremes, those who argue that law is merely a rhetorical mask for the exercise of power and those who demonstrate an ideological faith in law’s autonomy, and he breaks new ground by returning to modern classics in the fields of rhetoric and hermeneutics. Drawing from Chaim Perelman’s “new rhetoric” and Hans-Georg Gadamer’s “philosophical hermeneutics,” Mootz argues that justice is a product of rhetorical knowledge. Drawing from Nietzsche, Mootz’s conception of rhetorical knowledge opens up the dynamic possibilities of critical legal theory.

Questions & Answers: Contracts
Keith A. Rowley

This study guide includes 230 multiple-choice and short-answer questions arranged topically for ease of use during the semester, plus an additional set of 20 questions comprising a comprehensive “practice exam.” For each multiple-choice question, Professor Rowley provides a detailed answer that indicates which of four options is the best answer and explains thoroughly why that option is better than the other three options. Each short-answer question is designed to be answered in fifteen minutes or less. For these questions, Professor Rowley provides a thoughtful, comprehensive, yet brief model answer.

Selected Employment Law Statutes, 2006-2007
Elaine W. Shoben

This pamphlet is designed to be used in Employment Law, Employment Discrimination, Labor Arbitration, and Labor Law classes, regardless of the teacher’s choice of text. Provides up-to-date commercial law coverage, including, but not limited to, the Age Discrimination in Employment Act, Americans with Disabilities Act, Federal Arbitration Act, and the Whistleblower Protection Act.

Stempel on Insurance Contracts
Jeffrey W. Stempel

Designed for practitioners from all professional backgrounds and insurance experience. Covers everything from the basic insurance concepts, principles, and structure of insurance policies to today’s most complex issues and disputes. This one-stop resource is practice-oriented and packed with practical guidance. After providing information about insurance contracts and issues in general, it focuses on specific types of policies and coverage such as property coverage, excess and umbrella coverage, and reinsurance, plus such vital areas as employment, defective construction, and terrorism claims...D&O liability...ERISA...computer and cyber losses...bad faith litigation...and much more. Includes an examination of the commercial general liability (CGL) policy, the type of insurance involved in most major coverage cases.
Mediation Theory and Practice
Jean R. Sternlight, James J. Alfini, Sharon B. Press, and Joseph B. Stulberg
This text is a comprehensive guide to the growing field of mediation, combining theoretical, practical, and policy perspectives. Classic mediation and negotiation topics and techniques are presented from a fresh perspectives. The authors weave together excerpts from key books and articles, relevant cases, statutes, and rules and regulations to provide a systematic look at the historical background, theory, ethics, and policy underlying mediation in the United States. They also provide practice guidance for mediators. The authors devote substantial attention to negotiation theory, to issues of mediator roles and styles, and to critical issues related to mediator behavior including diversity, fairness, and power concerns. The book embraces and encourages class discussion of the emerging and hotly debated issues relating to mediation. The Second Edition of Mediation Theory and Practice addresses many of the new policy initiatives, significant additions to the literature, and emerging case law in the mediation field that have developed since the First Edition was originally published.

Arbitration Law in America: A Critical Assessment
Jean R. Sternlight, Edward Brunet, Richard E. Speidel, and Stephen J. Ware
Arbitration Law in America: A Critical Assessment is a source of arguments and practical suggestions for changing the American arbitration process. The book argues that the 80 year-old Federal Arbitration Act badly needs major changes. The authors, who have previously written major articles on arbitration law and policy, here set out their own views and argue among themselves about the necessary reforms of arbitration. The book contains draft legislation for use in international and domestic arbitration and a detailed explanation of the precise justifications for proposed legislative changes. It also contains two proposals that might be deemed radical - to ban arbitration related to the purchase of products by consumers and to prohibit arbitration of employment disputes. Each proposal is vetted fully and critiqued by one or more of the other co-authors.

Global Issues in Civil Procedure
Thomas O. Main
This book is designed to facilitate the introduction of international, transnational, and comparative law issues into a first year civil procedure course. The book is very accessible for first year law students (and their professors). The chapters can be used in any combination and in any order. The book can be assigned or recommended as optional reading to supplement a domestic-only course to advance the students' understanding of their own system.

Remedies in a Nutshell
Elaine W. Shoben and William Murray Tabb
This Nutshell explains what remedies are and their history. Examines the basic rules for legal and equitable remedies, injunctions, damages, restitution, rescission, reformation, and specific performance. Explains how remedies are used for injuries to realty, personal property and money, personal interests, misrepresentation, mistake, duress, and breach of contract. Also addresses restitution for unenforceable contracts.

Enron: Corporate Fiascos and Their Implications
Nancy B. Rapoport and Bala G. Dharan
While other books on this infamous scandal have focused on the personalities involved, “Enron: Corporate Fiascos and Their Implications” presents Enron as the quintessential case study of corporate greed. Utilizing essays written by leading scholars and experts in the corporate and legal fields, this text examines the causes and consequences of Enron’s failure from business, financial, legal and ethical viewpoints. "Enron: Corporate Fiascos and Their Alternatives" details the lessons to be learned, and includes sections on “Enron and the Business World,” “Enron and The Legal Environment” and “Enron and Ethics.”
Principles of Insurance Law, Third Edition
Jeffrey W. Stempel, Emeric Fischer, and Peter Nash Swisher

The Third Edition of Principles of Insurance Law includes new and expanded treatment of important insurance law developments, including: • The critical role of insurance binders as temporary forms of insurance as illustrated in the World Trade Center property insurance disputes resulting from the terrorist attacks of September 11, 2001; • The continuing debate between "legal formalists" and "legal functionalists" for "the heart and soul" of insurance contract law; • What constitutes a policyholder's "reasonable expectation" regarding coverage; • The current property and liability insurance "crisis"; • Risk management and self-insurance issues; • Emerging, and frequently conflicting, case law concerning the intersection of insurance law and federal anti-discrimination regulation; • On-going interpretive battles over the preemptive scope of ERISA; • The United States Supreme Court ruling that a California statute attempting to leverage European insurers into honoring commitments to Holocaust era policies is preempted by the Executive's power over foreign affairs; • The State Farm v. Campbell decision, which struck down a $145 million punitive damages award in an insurance bad faith claim as well as setting more restrictive parameters for the recovery of punitive damages; • New issues over the dividing line between "tangible" property typically covered under a property insurance policy and "intangible" property, which is typically excluded—an issue of increasing importance in the digital and cyber age; • Refinement of liability insurance law regarding trigger of coverage, duty to defend, reimbursement of defense costs, and apportionment of insurer and policyholder responsibility for liability payments; • The difficult-to-harmonize decisions concerning when a loss arises out of the "use" of an automobile; • Insurer bad faith and the availability, if any, of actions against a policyholder for "reverse bad faith"; and • The degree to which excess insurance and reinsurance may be subject to modified approaches to insurance policy construction.

Juvenile Justice in the Making
David S. Tanenhaus

In his engaging narrative history of the rise and workings of America's first juvenile court, David S. Tanenhaus explores the fundamental and enduring question of how the law should treat the young. Sifting through almost 3,000 previously unexamined Chicago case files from the early twentieth century, Tanenhaus reveals how children's advocates slowly built up a separate system for juveniles, all the while fighting political and legal battles to legitimate this controversial institution. Harkening back to a more hopeful and nuanced age, Juvenile Justice in the Making provides a valuable historical framework for thinking about youth policy.

Lawyering: Practice and Planning, 2nd Edition
Jeffrey W. Stempel

This exceptional book explains fundamental lawyering skills, theories, values, relationships, and ethics for students in lawyering skills and clinical courses, first year legal representation classes, internships and externships, and practicum and related courses.

Part One explains lawyering work and effective client interviewing and counseling. Part Two describes successful transactional and dispute resolution practice and negotiation and mediation. Part Three explains advocacy planning, pleading, and discovery. Fourteen chapters comprehensively explain the work of the lawyer, the business of lawyering, interviewing, counseling, transactional practice, dispute resolution, investigations, negotiations, mediation, pleadings, scope of discovery, depositions, and discovery methods.

This outstanding text prepares students for their professional lives, as a civil practitioner, transactional lawyer, litigator, in house counsel, or businessperson. The thorough coverage enables novice lawyers to become highly competent, responsible, and ethical attorneys. The extensive materials cover the strategies, tactics, and techniques involved with effective client representation and provide illustrative examples of successful practice. Think Twice—an original learning device—provides commentary about being an effective, creative, and productive attorney.