

CONTENTS

Acknowledgments ix

Introduction xi

1. Why Social Workers Study the Law: Knowledge for Practice 1

Participation in the Legal System 1

The Nature of the Law 2

Learning About the Law 11

Inductive Reasoning: From Practice Problems to Legal Principles 15

2. Exploring Jurisprudence: Legal Philosophy 17

Naturalism 18

Legal Positivism 21

Schools of Legal Thought 22

Recent Legal Reform Movements 33

3. The Development of the Law 39

Judicial, Legislative, and Administrative Processes 39

Comparing Criminal and Civil Law Procedures 48

The Structure of the Court System 50

Rules and Cases: Common Law Development 54

4. The Practice of Law 58

The Advocacy System and the Roles of Legal Professionals 58

Introduction to Legal Reasoning 68

Legal Knowledge for Social Workers 71

VIII CONTENTS

5. The Litigation Process: Dissecting a Court Case	77
The Stages of a Lawsuit or Criminal Trial	78
6. Protection of Individuals and the Preservation of Social Order	96
Constitutional Protections and American Values	96
Criminal Law and Criminal Procedure	104
Influencing Legal Policy	107
7. How Courts Make Legal Decisions About People's Lives	108
Balancing Legal Rights and Social Needs	108
The Process and Orientation of Family and Juvenile Courts	110
The Process and Orientation of Probate Court	118
Judicial Responses to Social Problems	121
8. Torts: How the Law Provides Compensation for Injury and Deters Unsafe Practices	124
Elements of Negligence and Malpractice Actions	125
Intentional Torts	129
Benefits to Social Work Practice	130
9. Contracts and Other Legal Issues in the Management of Social Work Practice	131
Basic Principles of Contract Law	131
Contracts with Clients: Informed Consent	135
Contracts with Managed-Care Organizations	135
Legal Issues in Agency Management	137
Legal Issues in the Business of a Private Practice	142
Appendix: Legal Research	151
Statutory Law	151
Case Law	152
Electronic Legal Research	154

<i>References</i>	157
<i>Cases and Laws Cited</i>	167
<i>Index</i>	169