



History of the Common Law: The Development of Anglo-American Legal Institutions

By John H. Langbein, Renee Lettow Lerner, Bruce P. Smith

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This introductory text explores the historical origins of the main legal institutions that came to characterize the Anglo-American legal tradition, and to distinguish it from European legal systems. The book contains both text and extracts from historical sources and literature. The book is published in color, and contains over 250 illustrations, many in color, including medieval illuminated manuscripts, paintings, books and manuscripts, caricatures, and photographs.

Two great themes dominate the book: (1) the origins, development, and pervasive influence of the jury system and judge/jury relations across eight centuries of Anglo-American civil and criminal justice; and (2) the law/equity division, from the emergence of the Court of Chancery in the fourteenth century down through equity's conquest of common law in the Federal Rules of Civil Procedure. The chapters on criminal justice explore the history of pretrial investigation, policing, trial, and sentencing, as well as the movement in modern times to nonjury resolution through plea bargaining. Considerable attention is devoted to distinctively American developments, such as the elective bench, and the influence of race relations on the law of criminal procedure.

Other major subjects of this book include the development of the legal profession, from the serjeants, barristers, and attorneys of medieval times down to the transnational megafirms of twenty-first century practice; the literature of the law, especially law reports and treatises, from the Year Books and Bracton down to the American state reports and today's electronic services; and legal education, from the founding of the Inns of Court to the emergence and growth of university law schools in the United States.

History of the Common Law offers:

- **dynamic teaching materials** that include primary sources, scholarship, summaries, notes, and questions
- **judiciously selected and edited sources**
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Vivid writing, engaging source materials, and lavish illustrations breathe life into nearly 1,000 years of Anglo-American legal history. Concise summaries, manageable extracts, clear organization, and a detailed **Teacher's Manual** consistently support your teaching.

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Editorial Review

Review

Legal traditions and legal institutions are, like so much else of the present day world, products of the past. Teachers of its history to students whilst at the same time maintaining and transmitting high scholarly standards. This remarkable collection of materials is both an outstanding work of scholarship in its own right, and as attractive and thoroughly usable a teaching tool as has ever been published for any subject studied in American law schools.

– Brian Simpson

I have assigned, at one time or another, most of the leading text books and document readers for my legal history classes. Though I have my favorites from the past, this year, I adopted Langbein, Lerner, and Smith's *History of the Common Law: The Development of Anglo-American Legal Institutions*. Langbein, et al. use modern educational coursebook design to emphasize primary materials, carry student attention forward, and provoke student interest through graphics and images that enhance the text. It is a great achievement, a major step forward in the evolution of course materials for the American law school.

– Stephen M. Sheppard, William H. Enfield Professor of Law, University of Arkansas School of Law

About the Author

John H. Langbein is the Sterling Professor of Law & Legal History at Yale Law School.

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