

Tuesday, November 9, 2021 (classes 20 of 30!!)

Today:

Session I—1101: Sources of Law: Constitutional rights! (handout) *and* Legal research & analysis!

Session II—1103: Summons and complaint assignment!

For next class (Th. Nov. 11):

- 1101: *study for* 1101 quiz #3! *and* read M&M ch. 4! (Ethics)
- 1103: Email me answers to first Summons & Complaint assignment by 8am!
- Review advisement & registration info for visit with Oliver!

Now: Use your pocket Constitution to answer a handout question!

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1101: Legal Research & Analysis!

Categories of Legal Sources!! (sources of law): Primary & Secondary; Mandatory & Persuasive!

Primary source = "The Law"

Secondary source = "About the Law"

Mandatory (binding) vs. persuasive sources of law!

Mandatory source = primary source of law that a court **must** follow when deciding a case.

- a/k/a "binding"
- *Only* primary → secondary sources are never mandatory!
- *BUT* . . . not all primary sources are mandatory on all courts!

Whether a primary source is mandatory (binding) on a particular court depends on JURISDICTION!!

- the court's level in the court structure (trial, intermediate appellate, etc.) *and*
- its geographic jurisdiction (*such as* Eastern District of NY *in federal court* or Kings County *in NYS court*, etc.).

Persuasive source = any source a court **may choose** to consider when deciding a case.

- can be primary OR secondary!
- *just about* anything!

Some terminology regarding courts' decisions! (case law)

reporter = set of hard copy books, in consecutively-numbered volumes, each containing published court decisions in chronological order.

slip opinion = copy of opinion published shortly after decision issued, before it is published in a reporter.

syllabus = brief summary of a case, including the holding and main legal principles.

affirm = when an appellate court **affirms** a lower court's decision, that means it agrees with the decision, whatever it was (whoever won or lost).

reverse = when appellate court **reverses** a lower court decision, it disagrees with the decision, and changes it.

unanimous opinion = when all judges deciding a case agree on the legal reasoning and decision.

majority opinion = opinion that represents the views of the majority of the judges who decide a case, either affirming or reversing the decision of the lower court.

concurring opinion = one or more judges deciding a case agree with the majority opinion, but for different reasons, or they want to emphasize a particular point.

dissenting opinion—one or more judges disagree with the majority decision, and write an explanation of why the result should have been different.

citation = provides information indicating where a case, statute, constitution, or other law may be found.

Citation of a court decision (case) includes:

- name of the case (parties' names)
- volume number of the reporter in which it is located
- abbreviated name of the reporter in which it is located
- the year it was decided