

Monday, October 26, 2020 (Intro class 16 of 30!)

Today:

- Mid-semester status!
- FYLC Collaborative Assignment #2!
- Sources of law continued!

Tomorrow (Tues. Oct. 27): *If you didn't already*, by 10am, email me M&M ch. 5 Qs due today for part credit! Details on OL.

Wed. Oct. 28 (Intro): **NO CLASS!!** *Meet this week instead.* ☺

For Fri. Oct. 30 (Civ Pro): Read C&W chs. 5 & 6. Email me thoughtful response/Q by 1pm.

For Mon. Nov. 2 (Intro): Read M&M ch. 4 (ethics).

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Mid-semester status by Thurs, Oct. 29—in this class and Civ Pro, to be posted in OL GradeBook.

As of now, you are . . . **P** = likely to pass (80+); **BL** = borderline (75-79); **U** = unsatisfactory/currently unlikely to pass (below 75—*passing grade is 70*)

****There's still time!!** All this can change . . . *hopefully for the better.* Last day to withdraw and receive a grade of "W" in any course this semester is **December 13.**

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Sources of law! continued

Primary sources = "The Law": constitutions, statutes, cases, administrative rules & regulations—*see below!*

Constitutional law = the text of constitutions *and* court decisions interpreting constitutions!

➤ e.g., U.S. Constitution, NYS Constitution → *including* all amendments, such as the Bill of Rights!

Statutory law = written laws created by legislative body *such as:*

- Affordable Care Act (Obamacare), Voting Rights Act → *federal statutes* created by U.S. Congress
- New York Human Rights Law, New York Civil Practice Law and Rules (CPLR!) → *N.Y.S. statutes* created by N.Y.S. Legislature

Administrative law = rules, orders, decisions of administrative agencies

- "administrative agencies" = government bodies that perform specific functions, *such as:*
 - U.S. Environmental Protection Agency (EPA), Food and Drug Administration (FDA) (federal)
 - NYC Department of Buildings (DOB), Department of Health (DOE) (NYS)

Common law = law set forth in decisions made by judges in cases that come before courts

- a/k/a "case law"
- based on legal theory of *stare decisis* → Latin, "let the decision stand"!

Secondary sources = "About the Law"

- books and articles that summarize, interpret, or index (help you find) the law
- helpful in researching and understanding primary sources
- *Examples include:*
 - legal encyclopedia = compilation of summaries of legal rules on various topics

- digest = compilation of short summaries of court decisions
- law reviews (or law journals) = periodicals containing articles that comment on 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"
- Can *only* be primary ("The Law") → 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:

- the court's level in the court structure (trial, intermed. 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. Primary OR secondary!

We will discuss these issues further when we cover Legal Research! ☺