

Wednesday, December 2, 2020 (Intro class 26 of 30!)

**Today:** Legal research and analysis!

**Fri. Dec. 4** (Civ Pro) → *take quiz FIRST, meet on Zoom 3pm!*

- Quiz #4! Venue, pleading requirements, prep & service of papers (C&W chs. 9-11)
- Read C&W ch. 16 and article on disclosure!
- Read background on guest speaker—bring questions!
- Final summons & verified complaint due by email end of day!

**For Mon. Dec. 7** (Intro):

- Court observation post due 10am! (*details Friday*)
- Guest speaker: federal prosecutor Alicia Washington!

**Wed. Dec. 9:** "Law in Culture" assignment due on OL!

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**Legal Research & Analysis!**

*Questions you sent to me!*

**Q: What's the difference between a case syllabus, and a slip opinion?**

**A:** Syllabus = brief summary of a case, including the holding and major legal principles.

Slip opinion = copy of an opinion published shortly after it is issued, before it is published in a reporter (set of hard copy books in consecutively-numbered volumes, containing court decisions in chronological order).

**Q: If lower courts are bound to follow the decisions/precedents of higher courts in similar cases, does this mean that lower courts cannot set new precedents or contradict the decisions of higher courts?**

**A:** Lower courts may depart from higher courts' decisions IF the cases before them are sufficiently distinguishable (different) from the higher courts' cases.

**Q: What is the point of "unpublished opinions"? If they cannot be used in court, why are they still available on certain law sites?**

**A:** "Unpublished opinions" are not published in reporters, but they are available online through such sources as Westlaw. Courts' rules on unpublished opinions vary, and many courts now allow them to be cited. However, they have less "precedential value" than published opinions (they are less persuasive).

*Review questions I'm giving you!*

**Statutes are laws passed by \_\_\_\_; law made by judges/courts is known as;**

- (A) legislatures; case law (or common law)
- (B) courts; administrative law
- (C) administrative agencies; an appeal
- (D) stare decisis; pro bono

**If an appellate court affirms a lower court's decision, it means:**

- (A) the appellate court did not agree with the decision (*Then it might reverse or remand the decision.*)
- (B) the appellate court agreed with the decision.
- (C) the appellate court was undecided.
- (D) the plaintiff won the case.

**When a judge or justice agrees with the majority opinion but for different reasons, or she wants to make a particular point, she writes a \_\_\_\_\_ opinion.**

(A) dissenting (*This would be if she did not agree.*)

(B) slip

(C) concurring

(D) unanimous

***Common types of appellate opinions!*** (See OL for examples we reviewed in class.)

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

**unanimous opinion** = when all judges deciding an appeal agree on the legal reasoning and decision.

**majority opinion** = opinion that represents the views of the majority of the judges who decide an appellate 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.

***Other important elements of court decisions!***

**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

**headnote** = short paragraph near the beginning of a court decision summarizing the court's ruling on a particular issue in that case.