

Tuesday, November 22, 2022 (class 22 of 30!!)

Today:

- Court observation "oral presentations"!!
- Legal Research & Analysis *continued!*

By end of today: Post response to court observation *if you didn't already!*

Th. Nov. 24: No classes – college is closed. *Happy Thanksgiving!*

Tu. Nov. 29: No meeting! *For court observation.* ☺

For Th. Dec. 1: Post Law in Culture review on OL; read ch. 9 (legal writing)!

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Legal Research & Analysis *continued!*

Mandatory (binding) and 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:

- the court's level in the court structure (trial, intermed. appellate, etc.) *and*
- geographic jurisdiction (*such as E.D.N.Y. in federal court; Kings County in NYS court, etc.*).
- the factual situation the court is considering

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

- can be primary OR secondary!
 - including decisions by courts in other jurisdictions that are not binding on the deciding court
- **just about anything!**

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Some terminology regarding court decisions! *Illustrated through the U.S. Sup. Court Dobbs decision!*

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.

- **may include headnotes** = short paragraphs near the beginning of a court decision, summarizing the court's ruling on particular issues in that case.

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 an appellate court **reverses** a lower court's decision, that means it disagrees with the decision, and changes it.

unanimous opinion = when all judges deciding a case agree on the legal reasoning and decision. *Rare!!*
majority opinion ("opinion of the Court") = 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 of the majority, 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 (caption/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