

Tuesday, April 20, 2023 (class 21 of 30!!)

Today: Sources of Law *continued!!*

- Secondary sources of law!
- Mandatory vs. binding!
- U.S. Constitution! *Get a prize!!* ☺

For next class (Tu April 25): We will not meet! Quiz #3 on Blackboard 10am-5pm. *Ethics & Sources of Law* (chs. 4 & 5).

Th April 27: Court visit! Meet 10am *sharp* in N622 – leave your stuff!

By 12N Mon May 1: Post question(s) on OL for our guest speaker, City Tech grad & CUNY Law School Student Joseph Bernard!

For Tu May 2: Read ch. 7, pp. 175-201 (legal research & analysis)!

Th May 4: Law in Culture review due on OL!

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Sources of law! *Continued!*

Primary source = "The Law"

Secondary source = "About the Law"

4 main types of primary legal sources: **Constitutions; Statutes; Administrative law; Case law (or common law** -- law set forth in decisions made by judges, in cases that come before courts)

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:

- **legal encyclopedia** = compilation of summaries of legal rules on various topics
- **digest** = compilation of short summaries of court decisions
- **annotations** = brief summaries of cases and statutes and how they are interpreted and applied
- **law review articles** = scholars' and practitioners' commentaries on laws

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 sources → 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. app., etc.) -- courts can only be bound by higher courts
- *and* geographic jurisdiction (*such as* EDNY, or Kings County, etc.) – courts can only be bound by higher courts in their jurisdiction!

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

- can be primary OR secondary!