



Civil Procedure 2

Hierarchy of Authority in Common Law

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Thank you!



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What are sources for authority in common law?

Write your answer here.

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LEGAL AUTHORITY IN RUSSIA

- Sources?
- Hierarchy?



BASIC COMMON LAW HIERARCHY

Rank the following in order of importance in common law authority.

Constitution



Treaty / Statute



Case Law

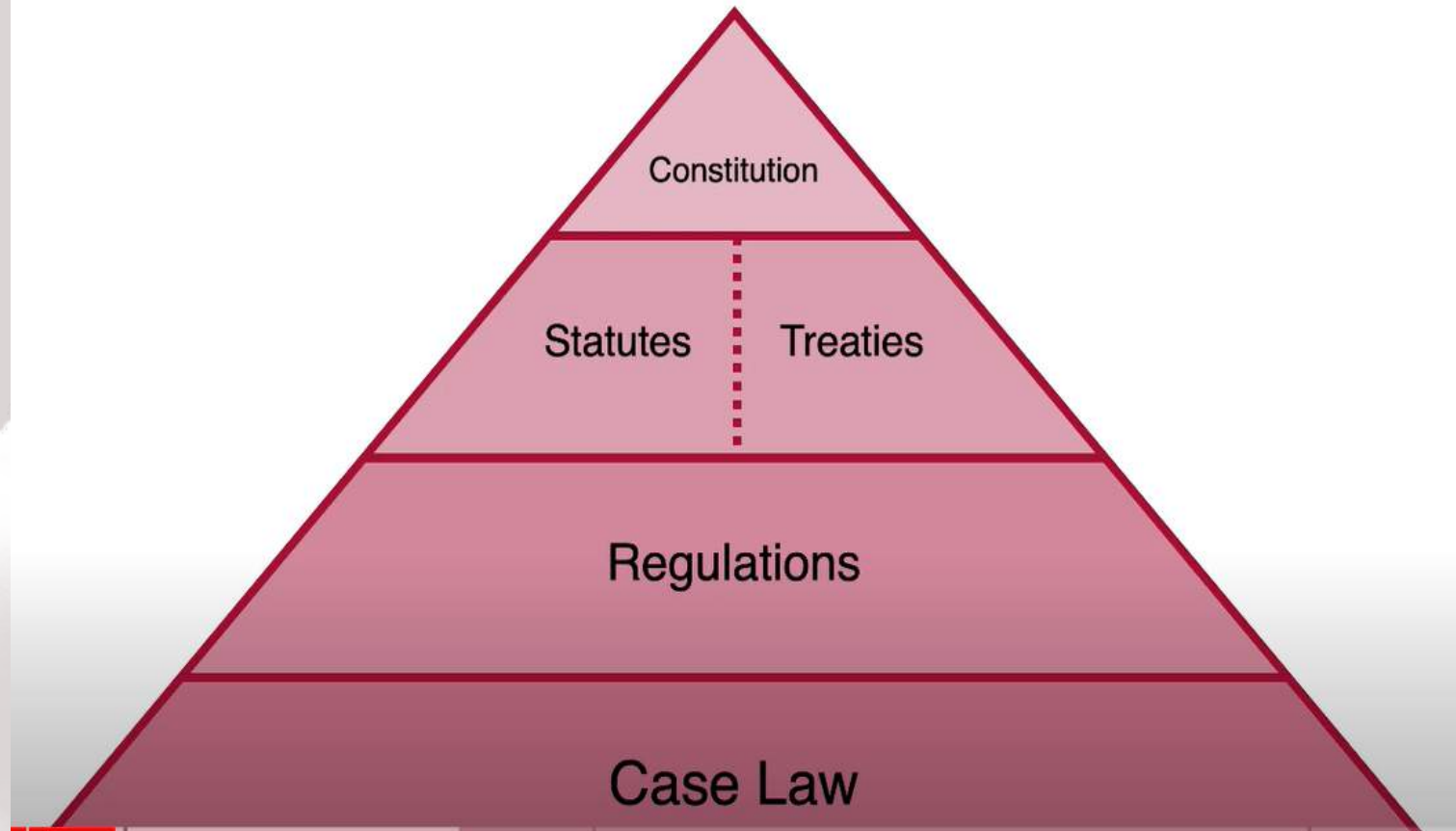


Regulations



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HIERARCHY TRIANGLE



KEY QUESTIONS IN LEGAL RESEARCH:

- Which laws/regulations apply to the case at hand?
- *If none apply*, which cases are relevant?



RESEARCHING CASE LAW FOR A CONTRACT CASE

- *Mandatory Authority*
- *Persuasive Authority*



MANDATORY/PERSUASIVE SCENERIO

What are the key factors determining whether authority is mandatory or persuasive?

Location, location, location

A Federal or State Question

Facts of the Case

Ruling or Dicta

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RESEARCHING CASE LAW FOR A CONTRACT CASE: KEY QUESTIONS

- 1) Are the legal issues in the case governed by state or federal law?
- 2) Which court will hear the case?

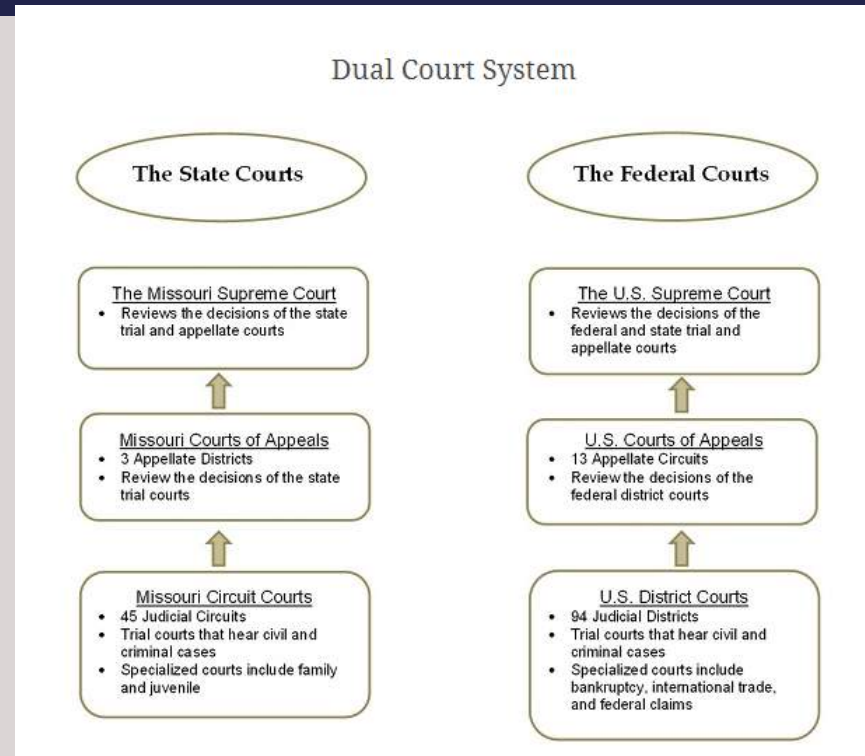


RESEARCHING CASE LAW FOR A CONTRACT CASE: GOLDEN RULE 1

Higher courts
bind
lower courts.



Missouri Example

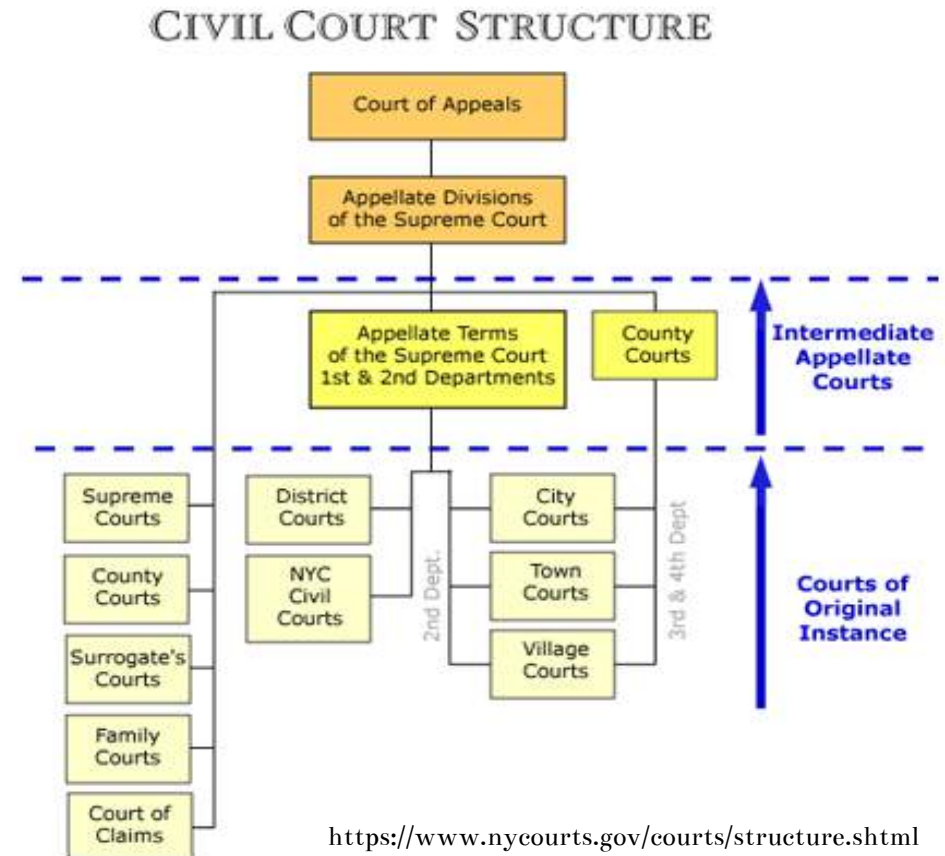


RESEARCHING CASE LAW FOR A CONTRACT CASE: GOLDEN RULE 2

State courts bind their own state's courts.

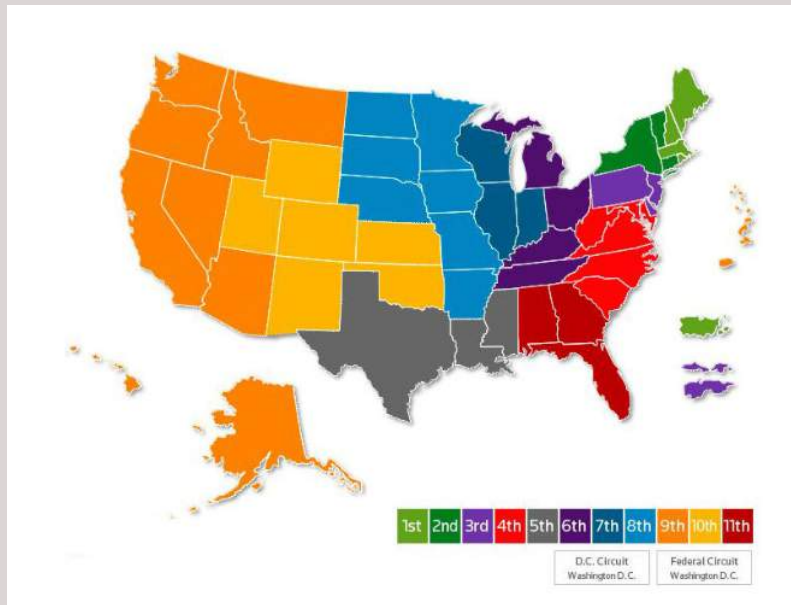


New York Example

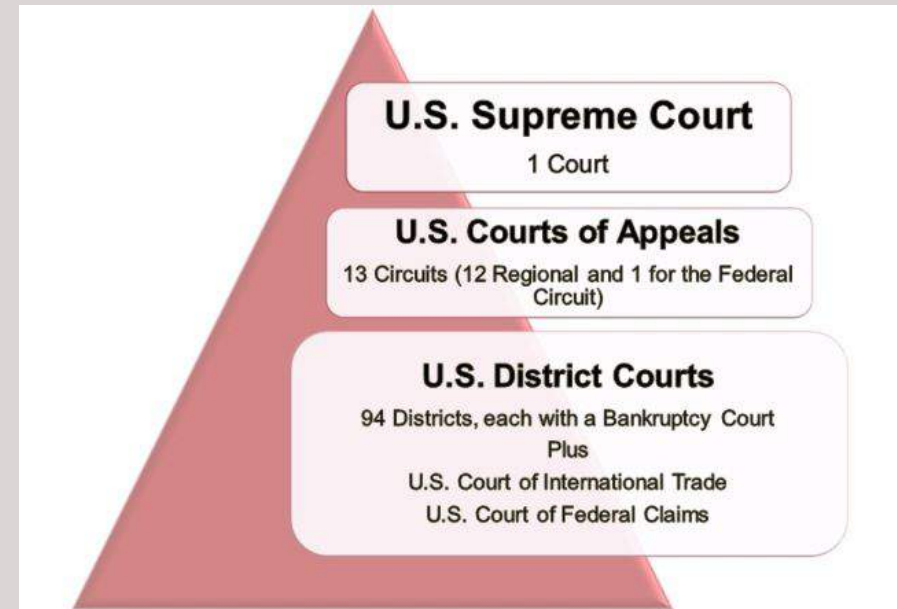


RESEARCHING CASE LAW FOR A CONTRACT CASE: GOLDEN RULE 3

Federal courts bind federal courts.



<https://guides.library.harvard.edu/law/researchstrategy>



<https://judiciallearningcenter.org/levels-of-the-federal-courts/>

MANDATORY/PERSUASIVE SCENERIO

Put the correct groups together.

State Issue in Federal District Court ⋮

State Issue in State Trial Court ⋮

Federal Issue in Federal District Court ⋮

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State Appeals Court(s) and Highest Court ⋮

US Supreme Court, Federal Circuit Appeals ⋮

State Appeals Court(s) and Highest Court ⋮

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SECONDARY & TERTIARY RESOURCES



<https://guides.library.harvard.edu/law/researchstrategy>

What was your most memorable word from this session?

Write your answer here.

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Thank you for your participation!

Best of luck in your future work
with legal English!

