

PLG-120 Week 3 Lecture Notes

Research and analysis performed in law school involves caselaw. Cases are the reported opinions of courts at various stages of a lawsuit or other legal action. An understanding of the life of a case, the differences between the state and federal locations where cases are filed, and the three uses of the term “jurisdiction,” is essential to understanding the system of precedent and the concepts of controlling and persuasive authority. These concepts will be of paramount importance in legal research and writing. The following provides a broad foundation and key concepts that are necessary for analysis of cases and the precedential effect of judicial opinions at different stages of a lawsuit.

The plaintiff is the person, or persons, who brings the case. Cases are initiated by filing a petition or complaint in a court presenting the plaintiff’s allegations against the party being sued, the defendant. The level of court where lawsuits are initiated is known as the trial court. Plaintiff’s complaint will assert one or more claims against the defendant. The plaintiff then makes a demand for relief.

In response the defendant has several options:

Defendant may file an answer

Defendant may file an answer and counterclaim against the plaintiff

Defendant may file a motion to dismiss the petition or complaint

In response, the plaintiff generally may file

an answer to defendant’s counterclaim if one was filed

an opposition or response to the motion to dismiss

If a motion to dismiss is filed by a defendant, and an opposition or response is filed by the plaintiff, the defendant in most courts is entitled to file a reply to the opposition or response. Then the court must rule (issue a decision) on the motion. If the motion is denied, then the defendant must answer, with or without a counterclaim. After this initial back-and-forth, a party will have the opportunity to bring additional motions or start the process of discovery of facts from the other parties.

At the close of discovery, the defendant and the plaintiff typically will evaluate whether to move the court for summary judgment. The summary judgment motion argues that the material facts in a case are not in dispute, and based on these material undisputed facts, the movant is entitled to judgment as a matter of law. The movant must prove that there is no genuine issue of “material fact” warranting a trial. If no one wins on summary judgment, the case proceeds to trial.

In a jury trial, a jury of one’s peers hears the evidence, determines the facts, and applies the law to those facts to determine the outcome. If the court itself (that is, the trial judge) hears

the evidence and determines the facts, and then applies the law to the facts to determine the outcome, this is called a bench-trial or non-jury trial.

Evidence is taken during the trial. Evidence is something that is offered as a fact or something that makes the existence of a fact more or less likely. Evidence is something that proves or disproves a fact at issue in the case. Evidence consists of the testimony of live witnesses, deposition testimony, documents, exhibits, admissions of the parties, charts, photographs, maps, drawings, diagrams, movies tapes (audio and video), and any other means devised by the attorneys for proving or disproving a fact. The rules of evidence provide the criteria for the trial court to determine what comes in and what stays out.

In a jury trial, the jury enters a verdict in favor of one side and against the other, and the trial judge enters a judgment that follows the direction of the verdict, unless the party against whom the jury rendered its verdict files a post-trial motion. If the verdict is thrown out, the trial judge can either order a new trial or enter a judgment notwithstanding the verdict in favor of the moving party. When a judgment is entered that resolves all the claims of all the parties in the case, it is referred to as a final judgment.

The loser at trial in a civil case can appeal to the intermediate level of appellate court. The party who brings the appeal is called the appellant or petitioner. The opponent is called the appellee or respondent. If unsuccessful on appeal, the appellant may attempt to seek review by the highest level appellate court, the court of last resort in the state or federal system. If the appellate court agrees with the decision below, it will affirm the lower court's ruling. If it disagrees, the court will reverse and either

enter judgment for the appellant and issue an opinion correcting the lower court's legal errors, or
identify the procedural errors and remand the case back to the trial court for further proceedings consistent with the appellate court decision.

Every person in this country is governed by the laws of the nation, state, county or parish, and community (city or town) in which he or she lives. Thus, citizens of the U.S. are subject to several "sovereigns" – national (federal), state, and local authorities. Each sovereign has its own court system, which means that it has separate trial level courts and a court of last resort. Different states have different names for their courts, while the federal system uses the same terminology wherever the courts are located across the United States.

The federal system is organized as follows:

United States Supreme Court.....Court of Last Resort

United States Courts of Appeals.....Intermediate Level Appellate Court

United States District Courts.....Trial Court (General Jurisdiction)

United States Bankruptcy Courts and Tax Courts.....Trial Court (Limited Jurisdiction)

Each state is also a separate sovereign with its own system of courts, and some states have more complex systems than others.

One of the key concepts to master in legal analysis concerns the weight that is afforded to different judicial decisions based on the level of the court that issued the opinion. The basic structure of the court systems (trial level court→intermediate level appellate court→court of last resort) is known as a hierarchy of judicial authority. It refers to the power of courts higher up *in the same system* to reverse or affirm the decisions of the courts below. It also refers to the principle that the decisions of the courts higher up in the hierarchy are controlling authority for any courts directly below the court in the same system. Following are several important principles to keep in mind concerning the ability of one court to control the decisions of another. These are important principles to remember while researching because they will help sort out findings into the categories of mandatory (controlling or binding) versus persuasive authority.

Courts on the same tier do not bind each other.

Judges on the same court do not bind each other.

En banc opinions of an intermediate level appellate court bind all judges on that court.

Courts that are not in the direct line of appeal do not bind lower courts.

Courts of last resort control all courts in the same hierarchy.

Courts of one hierarchy do not bind courts of another hierarchy, but the court of last resort of one hierarchy can bind courts of a second hierarchy *if the first hierarchy's law is being applied by the courts of the second hierarchy*.

The concept of the hierarchy of judicial authority is essential to master because it is the most important factor that determines whether a court opinion is merely useful or interesting or whether it is a controlling, mandatory authority that, along with other controlling, mandatory authorities, will determine the answer to the legal issue at hand.

The term *jurisdiction* is used three different ways in legal parlance. Jurisdiction is the power to apply and enforce the law

in a given location (jurisdiction as a place)

with regard to certain persons and entities (personal jurisdiction; or

with regard to certain kinds of claims and legal actions (subject matter jurisdiction)

Venue is a term that refers to an individual court's power to adjudicate cases in a certain geographic area. The second use of the term pertains to the power over the parties, or personal jurisdiction; a court must have personal jurisdiction over a party to a case for the court to render an enforceable judgment against it. The final use of the term jurisdiction refers to subject matter

jurisdiction. Courts may be limited to the subject matter of the cases that they can adjudicate. Subject matter jurisdiction is a creature of statutory and (state or federal) constitutional law.