Case Law – Structure and Precedent

In this part of the tutorial, you will learn the structure of the federal and state court systems and the concept of precedent.

Both federal and state court systems are hierarchical. A case enters the court system and proceeds up the hierarchy according to fixed rules, which you will learn more about in your civil and criminal procedure classes.

There are generally three court levels: the trial court, the intermediate appellate court, and the final appellate court (or court of last resort). Next we will look at the structure of the federal court system in the United States. State court systems vary by state, but have the same general structure.

The U.S. District Courts are the trial courts of the federal judicial system. There is at least one U.S. District Court in each state – as you can see on this map, there are two districts in Washington, and one in Oregon. There are also U.S. District Courts for the District of Columbia and insular areas such as Puerto Rico and the U.S. Virgin Islands.

The U.S. Courts of Appeals are the intermediate appellate courts of the federal judicial system. Their decisions are binding on U.S. District Courts within their areas of jurisdiction. There are 12 geographic Courts of Appeals (eleven numbered circuits and the Court of Appeals for the D.C. Circuit), as well as the Court of Appeals for the Federal Circuit which has subject matter jurisdiction over a variety of specialized federal topics.

The decisions of the U.S. Supreme Court are binding on all federal courts and on state courts with regard to the U.S. Constitution, federal laws, and disputes between states.

After a case has been decided, it can be applied to subsequent cases – in other words, it becomes precedent for future cases. The process of using cases this way is called stare decisis. Because of this reliance on previous cases, it is vital to find the subsequent relevant cases and make sure they are still good law, a process which is also called updating.

However, not every case is precedential for every court.

A court must follow and is bound by a case that is mandatory authority. Opinions issued by higher courts in a jurisdiction are generally considered binding on lower courts in that jurisdiction.

A court does not have to follow a case that is persuasive only, but may choose to do so if persuaded. A case from a lower court or another jurisdiction is persuasive only.

For example, U.S. Supreme Court decisions are mandatory in the U.S. Court of Appeals for the Second Circuit. However, a decision of the U.S. Court of Appeals for the Third Circuit is not mandatory authority in the Second Circuit – it is persuasive authority only.

Importantly, once a case has been decided by a state’s highest court, it may be appealed to the U.S. Supreme Court only if there is a federal legal question. The state’s highest court has the final say on issues of state law.