Legal Concepts and Definitions

1) “Primary authority” constitutes the law and is issued by a branch of the government or a government body acting in its lawmaking capacity. Three branches of government generate primary authority.

2) “Secondary authority” is anything other than primary authority that a court could use as basis for decision, should the matter you are researching come before a court. Secondary authority does not have the force and effect of law. In doing research, you should rely on and cite primary authority whenever possible.

Secondary authority is not “the law”; primary authority is “the law!”

3) A jury finds a “verdict”...a “verdict” is from the state trial level. **A verdict is NOT law.** An “opinion/decision” is handed down by the court. “Opinion/Decision” is law.

4) Trial courts at the federal level are called **United States District Courts.**

5) The intermediate appellate courts in the federal system are called the **United States Courts of Appeals.** There are 13 federal circuits.

6) A **“reporter”** is a series of books containing a collection of court decisions designated for publication by a court or courts and arranged in roughly chronological order. Reporters do not include the transcripts of court proceedings or the texts of briefs submitted by the parties.

7) In legal research, the citation formats are found in the Uniform System of Case Citation (Blue Book). In legal research, we use proper “Blue Book “ citation (not MLA, APA or Chicago).

8) Legal citation for a case consists of three parts (410 U.S. 113). The first part/number represents the volume number Reporter, the middle part is the series abbreviation, and the third part/number is the page.

9) **Headnotes** are founded at the beginning of cases/opinion. They summarize specific rules of law discussed in the court’s opinion. Headnotes offer a quick preview of a case but are not a substitute for the decision itself. They are not written by the court and carry no authoritative value.

10) **Codes/Statutes** are organized by subject matter. When laws are organized this way, they are said to be codified. All laws that deal with the same topic will be grouped together under the same title, with each major subject having a different title number.
11) Not all primary sources are “mandatory” primary sources. “Mandatory” primary sources are determined by jurisdictions. For example, I live in Missouri. “Mandatory” primary sources for Missouri are Missouri case law, Missouri statutes/codes, 8th circuit case law, and United State Supreme Court cases. United State Supreme Court cases are “mandatory” primary sources for all jurisdictions.

12) The Ultimate law of the land is the United States Constitution. The Ultimate court of the land is the United State Supreme Court.