

Courts and Legal Reasoning

19 November, 2014

Important Concepts

1. Courts and Judges
2. Factual v. Legal questions
3. Precedents

Definitions

1. Common law: the law found in judicial decisions (as opposed to statutes or constitutional provisions)
2. Fact Freedom: the discretion judges have to choose *which* facts of a precedential case and the current case are the most relevant. This discretion, and the decisions that follow from it, can be used to justify the use of different legal rules/reasoning.
3. Precedent: earlier decisions that establish case law that is subsequently applied to cases with similar fact patterns.

Rules for the U.S. Judiciary

1. Must be between two parties, one of which must claim “real harm.” Cases cannot be hypothetical or prior to harm.
2. Jurisdiction rules must be followed.
3. Precedent?

Reasoning by Example

Three step process:

1. Identify similarity between cases.
2. Identify the “rule of law” inherent in the first case (precedent case).
3. Apply the rule of law from the first case to the second case.

Examples

#1

Schiff v. Branch is an antecedent case that presents facts A, B, C, and D. In *Schiff v. Branch*, the court rules “Yes.”

- In a subsequent case that presents facts A, B, C, and D, how should a court rule?
- What if there were *two* antecedent cases: *Carmichael v. Kincade*, which presents facts A, B, and C and in which the court ruled Yes; and *Olivet v. Rodgers*, which presents facts B, C, and D and in which the court ruled No?
 - How does a case presenting facts A, B, C, and D get decided?

#2

The strange case of the apples, bananas, and oranges...

S, you're a judge and a case has come to you that needs your legal decision. In Fruitville, there is a statute that prohibits the "transport of oranges and similar fruits" into the locality.

Q: Does the statute prohibit Farmer Ronald from importing apples into Fruitville?

What's the process the court would need to go through to make this determination?

Q: Is an apple similar to an orange?

New information: Farmer Josephine runs a banana farm and has been successfully importing bananas into Fruitville while the statute prohibiting the import of "oranges and similar fruits" has been in place.

*Q: Why is a banana **not** similar to an orange?*

Q: What impact on the apple decision does this information about the bananas have?

Q: How lock-step of a reasoning process is involved here, legally-speaking?