



What is Binding Precedent?

How, when, where, and why courts are obligated to follow decisions by other courts



What is Stare Decisis?

Stare Decisis is a latin phrase: To Stand by Things Decided. It means that if an issue has been decided one way, similar issues should be decided the same way in the future.


Why is this important? Because one of the elements of a fair judicial system is consistency. People should receive similar treatment in similar circumstances, and there would be chaos if every court continually redefined the same rule in each case. People like predictability.

This in effect means a court's past decisions bind the court's future decisions.



Precedent

When a court's decisions bind itself, this is called "Stare Decisis" when a court's decisions bind a different court, this is called "precedent." This is important for the same reasons that Stare Decisis is important: consistency, and predictability. However, precedent has some more complicated rules as to which courts can bind which other courts, which will be explained in the following slides.



Federal v. State

State courts only interpret state law, and therefore won't be binding on federal courts.

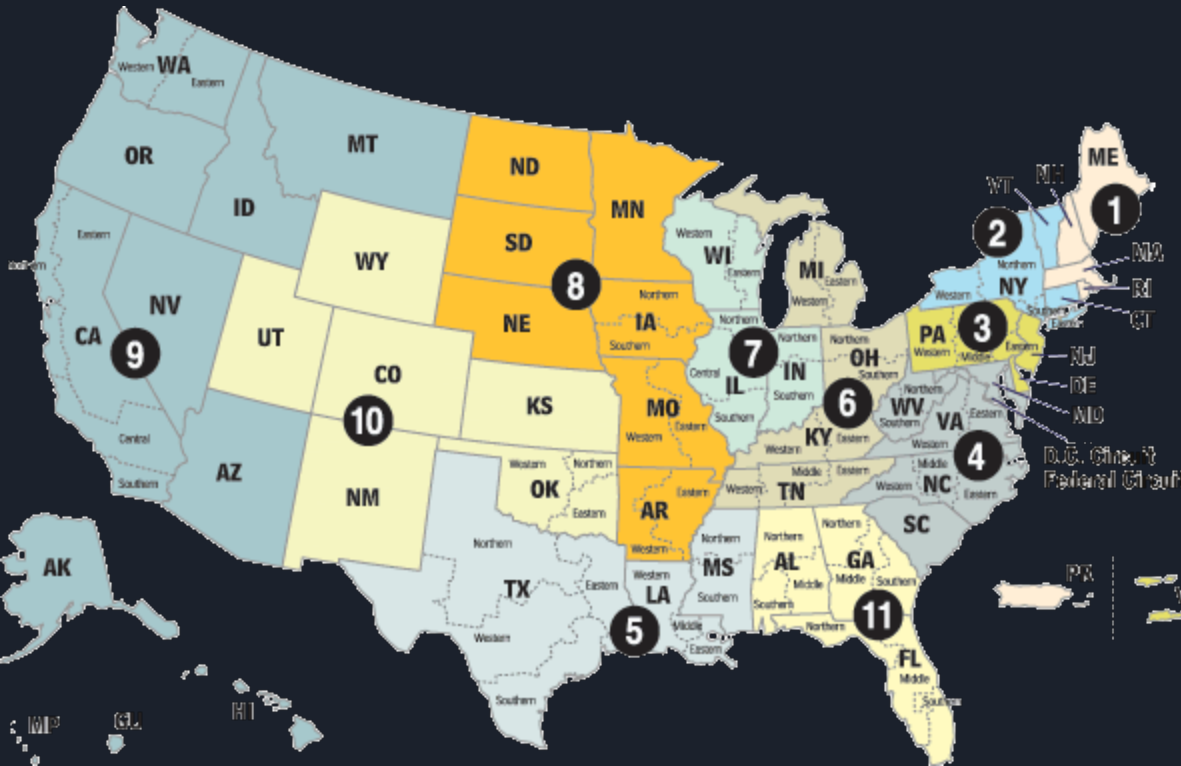
Courts are further bound by geography and tier.



Federal Courts

There is one supreme court, 13 circuit courts of appeal, and 94 district courts. The supreme court binds all federal courts. The courts of appeals bind all district courts within their jurisdiction. For example, in San Diego, we are in the 9th circuit. If the ninth circuit court makes a ruling, it binds all lower district courts, including the U.S. District court for the Southern District of California (where San Diego is). If the 10th circuit makes a ruling, it is not binding on U.S. District court for the Southern District of California.

There are 13 Courts of Appeals. Here is a map



11 numbered federal courts of Appeals

1 D.C. Court of Appeals

1 Federal Circuit Court of Appeals



The Federal Circuit court of Appeals

This is a nationwide circuit with specific subject matter jurisdiction. They often hear patent cases.



Question:

If your defendant is convicted of a federal crime in United States District Court for the District of New Mexico, to which court can you appeal?

If you find a favorable case from the 11th circuit, how can you use it to help your client in the above hypothetical?



Answer

You would appeal to the 10th Circuit Court of Appeals.

Even though the 11th circuit does not have the power to bind courts in the 10th circuit, you can use it as persuasive evidence, especially if there is not precedent on the matter in the 10th circuit's jurisdiction.



State Courts

Just as the federal government has a hierarchy of courts, so do the states. California has a three tier model that mimicks the federal government.

From Lowest to Highest

Superior Court (Judge Sturgeon works here)

California Court of Appeals

California Supreme Court

The State Court Maps

California has

6

**Courts of Appeal
Districts**

Headquarters:

First District: San Francisco
Second District: Los Angeles
Third District: Sacramento
Fourth District: San Diego
Fifth District: Fresno
Sixth District: San Jose

State of California • Courts of Appeal
Appellate Districts



There are six California courts of appeal. San Diego is in the 4th district.



Horizontal Stare Decisis

The lowest level of state court (superior court) is bound by all California Courts of Appeal, regardless of geographic regions.

This is unlike the federal trial courts, which are only bound by the appeals court in the same jurisdiction.



Question

If the 9th circuit court of appeals makes a ruling, which of the following courts are bound by it?

Southern District of California?

Southern District of New York?

D.C. Circuit court of appeals?

If the California court of Appeals for the 4th District makes a ruling which California courts are bound by it?

Superior Court for the county of San Diego?

Superior Court for the county of San Francisco?

California Court of Appeals for the 1st District?



Answer

The 9th circuit court of appeals will only bind the U.S. District court for the southern district of California.

The California Court of Appeals for the 4th District will bind the Superior courts for both San Diego and San Francisco.



Conclusion

Federal courts bind lower federal courts within their geographic jurisdiction.

State courts in California bind lower courts.

Know your issue and what court it will end up in.

Non-binding court opinion can be used for persuasive effect.