

PRINCIPLES OF COMMON LAW: THE CASE LAW METHOD

HOLLY J. HOCH

J.D., LL.M., ESQ.

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AGENDA

INTRODUCTIONS

LEGAL THINKING > MEMORIZATION

REVIEW OF LECTURE 1 – PREDECENT

INTRO TO THE CASE LAW METHOD

INTERACTIVE CASE EXERCISES

IRAC STRUCTURE



**Universität
Zürich**^{UZH}



LEGAL THINKING > MEMORIZATION

Regurgitation is gross

- What is “legal thinking”?
- There are no Stupid Questions
- Don’t trust the trees (they seem kind of shady)
- How big is your brain?
- Who you gonna call?
- IRAC
- Say “Hi”



KEY POINTS AND TAKEAWAYS

- Common law is judge-made and precedent-driven.
- The Case Law Method = how to read and use precedent
- Statutory interpretation = how courts give meaning to legislative texts.

If judges are making law, how do we ensure democracy and accountability?

WHERE DO WE START?



WHAT TO KNOW

- How to break down a common law case into facts, issue, holding, dicta.
- Explain how reasoning by analogy and distinction works.
- Understand how precedent binds statutory meaning.

Hierarchy of Legal Authority in Common Law

**Constitution
(Supreme Law)**

**Statutes & Codes
(Primary Legislation)**

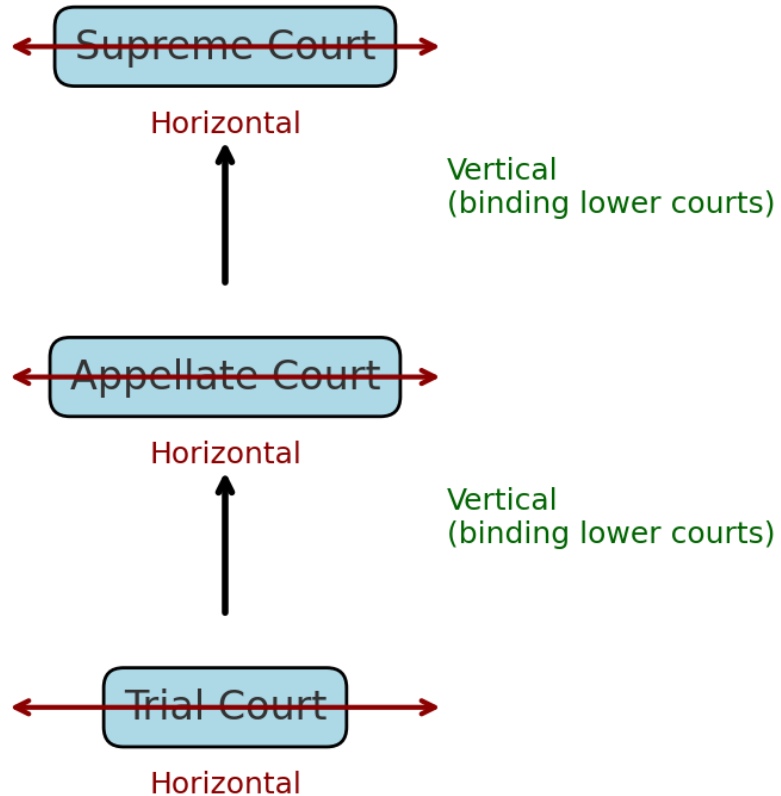
**Judicial Precedent
(Interpreting Statutes / Common Law)**

**Persuasive Authority
(Sister states, dicta, scholarship)**

COMMON LAW TRADITION

- ❖ Sources of law: Constitutions, Statutes and Regulations, Cases/Precedent, Restatements & scholarly works (persuasive)
- ❖ Judges' role: Apply and make law through rulings.
- ❖ Reasoning style: Analogical → compare with past cases.
- ❖ Effect of judgments: Binding precedent (stare decisis).

Vertical vs. Horizontal Stare Decisis



STARE DECISIS

Stare decisis = “to stand by things decided.”

The principle that courts should follow prior judicial decisions when the same points arise again.

Promotes stability, predictability, fairness, and efficiency.

Encourages equal treatment of similar cases.



VERTICAL PRECEDENT

- **Definition:** Lower courts are bound by higher courts in the same jurisdiction.
- **Hierarchy of Courts:**
Trial → Appeal → Supreme Court.
Lower courts bound by higher courts.
- **Example:** A trial court in New York *must* follow the New York Court of Appeals (state supreme court).

A modern workspace with a desk, chair, and computer against a stone wall. The desk is light-colored with a black chair. A computer monitor is on the desk, and a small potted plant is next to it. The wall is made of grey stone blocks. A bicycle wheel is visible on the right side of the desk.

HORIZONTAL PRECEDENT

- **Definition:** A court's relationship to its *own* prior decisions.
- **Example:** The U.S. Supreme Court is not *strictly* bound by its prior rulings but usually follows them (self-binding).
- Lower appellate courts (e.g., the Second Circuit) also generally follow their own past cases unless overruled en banc.
- *If a U.S. federal trial judge disagrees with a Supreme Court case, can they ignore it? (→ No, vertical stare decisis binds them.)*
- *If the Supreme Court itself thinks it was wrong in an earlier decision, must it follow its own case? (→ No, that's horizontal stare decisis; it can overrule itself with justification.)*



KEY DIFFERENCES FROM CIVIL LAW

- ❖ Source of authority: Codes vs. Cases
- ❖ Role of judges: Apppliers vs. Makers
- ❖ Reasoning style: Deduction vs. Analogy
- ❖ Effect of decisions: Party-Only vs. Binding Precedent.



AUTHORITY

What is more binding: the law (statute) or precedent?

Both are binding — but in different ways.

- **Statutes/Constitutions:** Enacted law, highest authority. Always controls if the text is clear, courts must apply as written. (“the rule”)
- **Precedent:** Judicial decisions interpreting and applying statutes or filling gaps. This is how courts have interpreted and applied statutes (or developed common law rules where no statute exists). (“the lens”)
 - **Binding effect:** Lower courts must follow higher courts’ interpretations. Even with statutes, courts are bound by how precedent has interpreted the statute.
 - **Example:** U.S. Supreme Court interprets a federal statute → all lower courts must follow that interpretation.

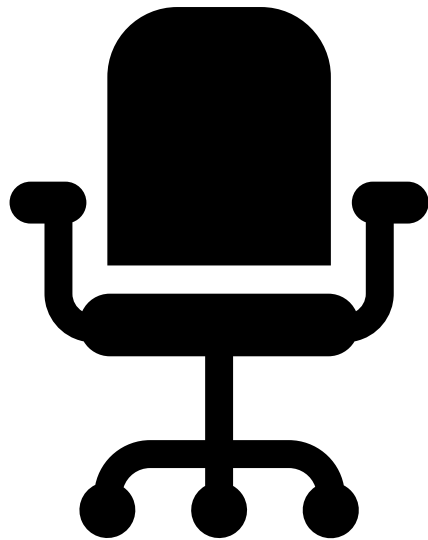
STATUTES ARE THE LAW, BUT IN A COMMON LAW SYSTEM, PRECEDENT DETERMINES HOW THAT LAW IS UNDERSTOOD AND APPLIED.

CASE LAW METHOD

WHERE DO JUDGES START?

- ❖ Civil law judge → “What does the code say?”
- ❖ Common law judge → “What have the courts said in past cases like this one?”
- ❖ What is the role of the lawyer in each?
- ❖ How do common law judges reason? → Case law method.
- ❖ How do judges handle statutes in common law systems? → Statutory interpretation.

BREAKING DOWN JUDICIAL OPINIONS



ANATOMY

- Facts, issue(s), holding (ratio), dicta, reasoning, disposition.
- Why might these opinions be long and discursive compared to civil law judgments?

REASONING

- Analogy: “This case is like that one, so the same rule applies.”
- Distinction: “This case is different in a key respect, so the old rule doesn’t apply.”
- Growth of doctrine through incremental distinctions.

TOOLS OF CASE ANALYSIS

- Identifying material facts.
- Narrow vs. broad holdings.
- The role of dissents and concurrences.



STATUTORY INTERPRETATION

WHY STATUTORY INTERPRETATION MATTERS

Even in common law systems, statutes dominate large areas of law.

But meaning of statutes is often contested → judicial interpretation fills the gaps.

APPROACHES TO INTERPRETATION

Textualism: Stick to the ordinary meaning of the words.

Purposivism: Read the statute in light of legislative purpose.

Intentionalism: What did the legislature mean to achieve?

Dynamic/Living approaches: Statute adapts to new circumstances.

STATUTORY INTERPRETATION

If a statute says “vehicle,” does that include bicycles? Skateboards? Drones?

Civil law → look for definition in code.

Common law → look at cases interpreting the word “vehicle.”

Looking at the case *Springfield* – what questions do you have? How do you interpret if no definition?



DICTA

Dicta (short for obiter dicta, Latin for “things said in passing”) are statements in a judicial opinion that are not necessary to decide the case.

Unlike the holding (ratio decidendi), which is binding precedent, dicta are not binding in future cases, though they may be persuasive.

These can be comments, illustrations, or side-remarks that go beyond what was needed to resolve the dispute. This is nonbinding.

DICTA

Why It Matters

Lawyers argue over what is “holding” vs. “dicta” all the time.

Courts often include dicta to guide future cases, signal reasoning, or express caution.

Dicta can influence later decisions even if not binding.



DICTA

HOLDING: “AN ELECTRIC SCOOTER IS A VEHICLE UNDER THE ORDINANCE.”

Dicta: “Wheelchairs and strollers should not be treated as vehicles.”

Why? → The court didn’t have to decide about wheelchairs or strollers to resolve the scooter case.

Why do judges include dicta if it isn’t binding?

Should lower courts pay attention to dicta? Why or why not?



HOW TO SPOT D I C T A

Ask: Was this statement essential to the court's final decision?

If yes → it's part of the holding.

If no → it's likely dicta.

Look for hypotheticals or side issues:

"We note that if the facts were different..." → usually dicta.

"Although not before us today, we suggest..." → dicta.

Compare the judgment's outcome with the reasoning:

Everything strictly required for the outcome = binding.

Everything else = commentary, explanation, guidance → dicta.



EXAMPLE

CAN YOU BREAK IT DOWN?

City of Springfield v. Doe (Court of Appeals, 2018)

The defendant was fined under a city ordinance that prohibits “vehicles” in public parks after riding an electric scooter. We hold that a scooter is a vehicle under the ordinance. Scooters, like bicycles, present similar safety risks to pedestrians and interfere with the park’s recreational purpose. As in *City v. Bicycles*, the ordinance should be read broadly to cover them. We note, however, that wheelchairs and baby strollers should not be considered vehicles. Unlike scooters, these devices serve essential mobility and caregiving functions. Although not at issue here, excluding them aligns with the ordinance’s purpose.



WHAT IS A «VEHICLE»?

Facts – What actually happened?

Issue – What's the legal question?

Holding (ratio decidendi) – What rule did the court establish?

Dicta – What parts are not binding but persuasive?

Reasoning by analogy/distinction – How did the court use prior cases?



INTEGRATION

PUTTING IT ALL TOGETHER...

INTEGRATION: HOW CASE LAW AND
STATUTORY INTERPRETATION INTERACT

STATUTES PROVIDE THE RULE.

CASE LAW SUPPLIES THE MEANING OF THE
RULE.

PRECEDENT INTERPRETING A STATUTE BINDS
FUTURE COURTS UNTIL LEGISLATURE AMENDS
STATUTE OR A HIGHER COURT OVERRULES.

CIVIL LAW COMPARISON: STATUTES
DOMINATE, JUDICIAL INTERPRETATION HAS
PERSUASIVE BUT NOT BINDING EFFECT.



APPEALS

MAYBE THAT WASNT RIGHT....

Trial Court: Hears evidence, witnesses, and facts. Issues a judgment (guilty/not guilty, liable/not liable, damages, etc.).

Appeals Court (Intermediate): Reviews legal errors in the trial court (not new evidence). Looks at whether the law was applied correctly. Can affirm, reverse, or remand (send back).

Supreme Court (Highest Court in Jurisdiction): Chooses cases (discretionary in many systems). Resolves conflicts and sets binding precedent. Final word on the law in that jurisdiction.

Key Points: Appeals = review of law, not facts. Lower courts are bound by higher courts' decisions (vertical stare decisis). Only a higher court can overturn a lower court's ruling.



EXAMPLE IRAC

WHAT IS A “VEHICLE”?

ISSUE: Does “vehicle” in statute include a scooter?

RULE: Statutory text + prior precedent.

APPLICATION: Compare scooter to cars (similar) and wheelchairs (different).

CONCLUSION: Depends on analogy → shows the method.

WHAT IS A “VEHICLE”?

A new city ordinance says: “No vehicles are allowed in the park.”

A man is fined for riding an electric **scooter** in the park. He challenges the fine.

Ordinance Text: “No vehicles in the park.”

Supreme Court Case A: City v. Cars (2010) — Cars are clearly “vehicles.”

Supreme Court Case B: City v. Bicycles (2015) — Bicycles are not “vehicles” because they don’t create the same safety concerns.

Court of Appeal Case C (neighboring state): Scooters are not vehicles because they are light and personal mobility devices.

Restatement of Torts: Defines “vehicle” as “a mechanized conveyance primarily designed for road use.”



HOW DO WE INTERPRET?

FRAMEWORK FOR ANALYSIS

- Statute sets the rule → “No vehicles.”
- Precedent interprets statute → “Vehicles = cars, but not bicycles.”
- Persuasive authorities fill gaps but don’t bind.
- Lawyers on each side will need to rank, frame, and *spin* authorities to persuade the court.



IRAC STRUCTURE

FRAMEWORK FOR ANALYSIS

- **ISSUE**

State the legal issue(s) to be discussed

- **RULE**

State the relevant statutes and case law

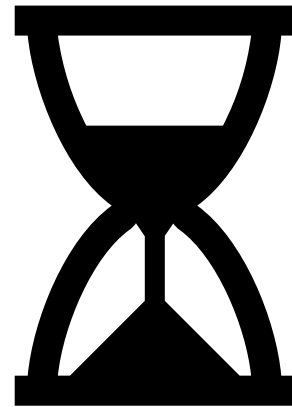
- **ANALYSIS**

Apply the relevant rules to the facts that created the issue

- **CONCLUSION**

State the conclusions (or most likely conclusions) using the logic of the application section

B R E A K



THANK YOU



PLEASE FEEL FREE TO
CONTACT WITH QUESTIONS



HOLLY.HOCH@IUS.UZH.CH



Portions of this lecture were
created or assisted by AI
(Hypotheticals, etc.)

