

§ 4.5

Authority and Citations*The Power of Understanding Citation Form*

The paralegal who understands authority will be able to identify almost instantly the likely weight a court is likely to give to a cited case. Assume, for example, that your attorney is involved in a case in the Tennessee Chancery Court (a state trial court.) You have located three on-point cases, featured below. What kind of authority would the following citations be to the Tennessee Chancery Court?

Smith v. Jones, 893 F.2d 493 (9th Cir. 1999)

- *Primary/persuasive*, because of the difference between state and federal jurisdiction.

Keene v. Tyke, 476 S.W.2d 72 (Tenn. 1988)

- *Primary/mandatory* because the citation is from a higher authority within the same jurisdiction.

Lamping v. Hayes, 287 P.2d 394 (Nev. 1981)

- *Primary/persuasive* due to differing jurisdictions.

EXERCISE E | AUTHORITY AND CITATIONS

What kind of authority would the following citations be on the North Carolina Court of Appeals?

1. *Jackson v. Stewart*, 138 F.3d 198 (4th Cir. 1998)
Primary/Mandatory *Primary/Persuasive*
2. *Gross v. State*, 372 N.C. 738, 634 S.E.2d 78 (1989)
Primary/Mandatory *Primary/Persuasive*
3. *Britten v. Ventura*, 367 F. Supp. 1132 (E.D.N.J. 1977)
Primary/Mandatory *Primary/Persuasive*
4. *Fremont v. Ferrar*, 473 U.S. 267 (1994)
Primary/Mandatory *Primary/Persuasive*
5. *Peters v. Wilson*, 126 Utah 548, 384 P.2d 901 (1965)
Primary/Mandatory *Primary/Persuasive*
6. *Corey v. Zane*, 231 Mich. App. 110, 463 N.W.2d 13 (1981)
Primary/Mandatory *Primary/Persuasive*