

## Chapter 4 Cases

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### Introduction to the U.S. Court System

Our sources of law include statutes, court opinions, and administrative regulations and decisions. Legislatures draft statutes to apply broadly across contexts and situations. Courts adjudicate disputes between two specific parties. In civil cases, courts resolve disputes between individuals or businesses (*e.g.*, *Smith v. Johnson*). In criminal cases, the dispute is between an individual and the government responsible for enforcing the criminal laws (*e.g.*, *People v. Jones*).

Courts interpret and apply statutes. Courts also interpret and apply what is known as common law, or the body of law that is made up of judicial decisions. If there is no statute or code on an issue, judges will refer to prior cases and follow what earlier courts decided on that issue. Prior cases are known as precedent and following these earlier cases is known as *stare decisis* (“to stand by things decided”). This means once courts have decided on a rule of law, they will generally follow that rule in similar cases in the future. The rationale for *stare decisis* is it creates a system where the laws are applied uniformly and rulings can be predicted.

However, judges don’t have to abide by the earlier decision of just any random court. Courts are limited in which earlier decisions they must follow through a system known as mandatory and persuasive authority. Mandatory authority, also known as binding authority, refers to authority a court must follow. Persuasive authority, or nonbinding authority, refers to laws a court may look to for guidance and choose to follow, but it is not required to do so. There are two aspects to determining whether a rule of law is mandatory or persuasive authority: jurisdiction and level of court.

### Jurisdiction

Jurisdiction describes a court’s authority to hear a case and is generally based on geographic area or subject matter. In the United States, there is a state court system and a federal court system.

The Illinois state court system hears both criminal and civil cases that take place between individuals, businesses, state, or local governments in which all parties reside in Illinois.

Federal courts hear disputes that involve a *federal question*, meaning a dispute involving the U.S. Constitution, a federal law or statute, or a treaty to which the United States is a party. Federal courts also hear cases involving *diversity jurisdiction*, or disputes between individuals from

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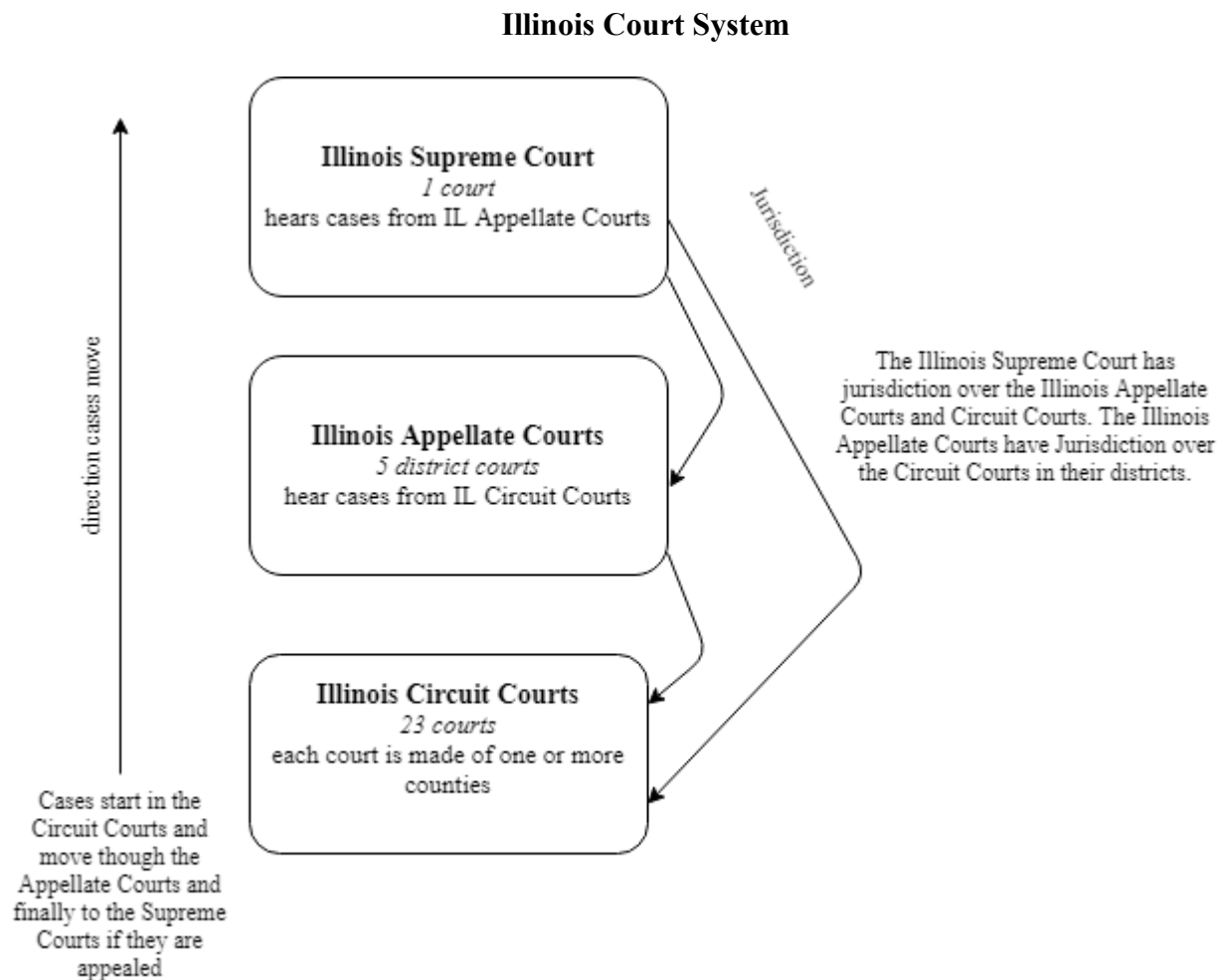
different states. For example, if you are an Illinois resident and you have a dispute with an Indiana resident, you can file your lawsuit in federal court. The rationale for diversity jurisdiction is an Illinois state court may treat an Illinois resident more favorably. A federal court provides a neutral location to adjudicate the dispute.

Jurisdiction matters because courts must follow earlier decisions from courts within their same jurisdiction.

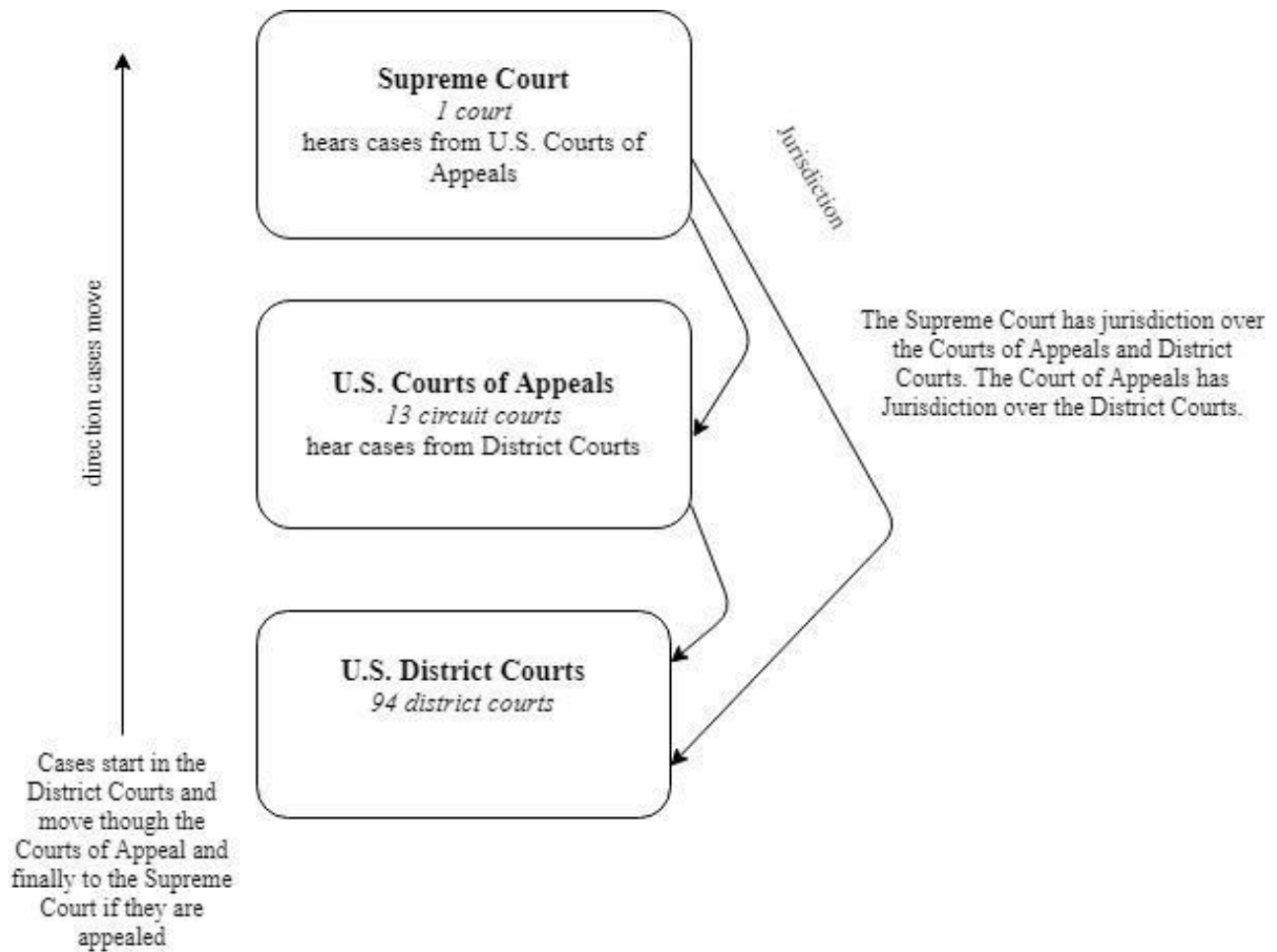
### Level of Court

The federal and state court systems are both divided into multiple levels. For the federal court and most states, including Illinois, the lowest courts are the trial courts. In the federal court system, these are known as district courts. In Illinois, they are called [circuit courts](#). Both court systems then have intermediate appellate courts and a final appellate court, usually known as the supreme court.

In general, a court must follow an earlier court's opinion from courts within their jurisdiction and from their level or higher. The opinion of a lowest level trial court is never binding (mandatory) on another court.



**Federal Court System**



For example, the opinion of an Indiana court is not mandatory authority to an Illinois court, regardless of what level of court it comes from, because it is from a different jurisdiction. The Illinois Supreme Court does not have to follow the opinion from any of the Illinois Appellate courts, because they are lower courts, although the Illinois Supreme Court may look at that opinion as persuasive authority and choose to follow it or not.

To provide an example from the federal court system, an opinion from the 7th Circuit Court of Appeals, an intermediate appellate court, is not considered mandatory authority to the 9th Circuit Court of Appeals because the 9th Circuit is considered a different jurisdiction from the 7th Circuit. The 7th Circuit Court of Appeals also never has to follow an opinion from a lower district court, but the opinions of the U.S. Supreme Court are considered mandatory authority because it is a higher court.

**Locating Court Opinions**

Cases or court opinions have traditionally been published in print reporters, a collection of cases from a jurisdiction arranged in chronological order. For example, the reporter *United States*

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*Reports* contains the official text of opinions from the United States Supreme Court in the order in which they were decided. *Illinois Appellate Reports* contains the text of opinions from all the Illinois Appellate courts, though the print reporter ceased publication in 2011, so the official versions of opinions from the Illinois Appellate courts are now available online.

Nowadays, the easiest way to find cases is online:

- [Google Scholar](#) provides access to federal and state court opinions. Google Scholar includes state appellate and Supreme Court cases since 1950, U.S. federal district and appellate court cases since 1923, and U.S. Supreme Court cases since 1791.
- The [U.S. Supreme Court](#) website provides access to the Court's [opinions](#) from 1988 to present.
- The [Illinois Supreme Court](#) website houses all Illinois Supreme and Appellate cases from 1996 to present.
- Because the opinions of the lowest (trial) courts are never considered mandatory authority, they are not published in Illinois. If you are trying to determine the outcome of a case heard before a circuit court in Illinois, you should [contact the clerk of that court](#)—usually the County Circuit Court.
- The [Public Library of Law](#) includes cases from the U.S. Supreme Court and Courts of Appeals and cases from all 50 states back to 1997.
- [Free Law Project](#) is a free non-profit organization that provides free access to court materials on its website.
  - [Court Listener](#) – a free legal research website with millions of legal opinions from federal and state courts.
  - [RECAP Archive](#) – provides access to documents and dockets from federal courts. RECAP is a crowd-sourced archive of documents from PACER, a fee-based government system. Not everything from PACER will be found here, but the archive does include every free PACER opinion and converts PDFs to text.

Lexis and Westlaw are fee-based commercial databases. The text of court opinions found in these services is identical to those found on free sites. These are expensive databases, but they provide commentary, research tools, links, and advanced search functions.

Below are lower-priced, fee-based databases:

- [Casetext](#)
- [Fastcase](#)
- [Casemaker](#)

See [Chapter 9: Free and Low-Cost Legal Research Resources](#) for additional information about both free and fee-based sources of legal information.