Solution and Answer Guide

Putman/Albright, Legal Research, Analysis, & Writing, 5e, 9780357619445;
CHAPTER 1: : Introduction to Legal Principles and Authorities.

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# Assignment 1 Answers

Answer the following questions regarding the courts in your state:

**1.** Are there limited jurisdiction courts in your State?

**Answer:** The state considered here is, Texas in the United States. Federal courts are the courts that have limited jurisdictions. They only hear the cases which are approved by the United States constitution. District courts are the first level of federal courts where limited jurisdiction exists, followed by circuit courts and supreme courts.

**a.** Name those courts:

**Answer:** There are four federal district courts in the State of Texas. They are divided into United States District Courts of the Northern District, Eastern District, Southern District, and Western District of Texas. There are 14 courts of appeals in Texas which have intermediate jurisdiction in civil and criminal cases which are appeals from the country courts. And lastly the Supreme court of Texas

**b.** What types of cases can each of those courts preside over?

**Answer:** The cases in the district court of Texas consist of criminal cases, divorce cases, election cases, civil matters, and any other matters which are not placed in the trial court. The circuit court consists of the civil and criminal case which is appealed by district courts. The Supreme Court of Texas is the resort of civil matters in the US. Texas Court is the resort of criminal matters.

**2.** What is the general jurisdiction court in your State?

**Answer:** In the State Texas of United States, the general jurisdiction court is a district court.

**a.** How are those courts organized—by county, district, etc.?

**Answer:** The geographical area covered by each court is formulated by the Legislature of the United States; however, each country is served by a minimum of one district court.

**b.** Does that court have appellate jurisdiction over cases from any limited jurisdiction

courts?

**Answer:** The district courts do have appellate jurisdiction in all the subordinate courts which are located in the districts; it covers both civil and criminal cases.

**3.** What are the appellate jurisdiction courts in your state?

**Answer:** The appellant courts in States Texas consist of the Supreme Court, 14 intermediate courts of the appellant, and a court of criminal appeals.

**a.** Is there an intermediate appellate court? What is it called and is it a single court or

are there multiple divisions?

**Answer:** There are 14 intermediate courts of appeals. They have jurisdiction in civil and criminal matters from the district courts in each of their geographical court of appeals of district state. They have limited writ jurisdiction.

**b.** What is the highest appellate court?

**Answer:** The court of Criminal appeals is the highest appellate court in the state Texas of The United States.

# Assignment 2 Answers

**Question:**

Access the website for your state’s legislature. How many groups of statutes are there (these may be called titles, sections, codes, etc.)? Does the state legislature website provide a link to the state constitution?

**Answer:**

The State of Texas is considered here.

The Texas legislature is a legislature of the United States state of Texas. It consists of 31 senate members and 150 house of representatives. The state legislature of Texas is met every two odd-numbered years.

During the session, bills are introduced by the legislators for approval. The bills which are approved by the law are arranged into codes referred to as Texas Statues. These statutes are online published and printed. There are 31 statutes codes available in the Texas statutes. The statutes available on the Texas Legislature website are updated as per the 87th 3rd Legislative session held in 2021.

The Texas Statues are as follows:

Agriculture code

Alcoholic beverage code

Auxiliary water laws

Business and commerce code

Business organization code

Civil practice and remedies code

Code of criminal procedure

Education code

Election code

Estates code

Family code

Finance code

Government code

Health and safety code

Human resource code

Insurance code

Insurance code-Not codified

Labor code

Local government code

Natural resources code

Occupations code

Park and wildlife code

Penal code

Property code

Special district local laws code

Tax code

Transportation code

Utilities code

Water code

Vernon’s civil code

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| --- | --- | --- |
|  |  | The state legislature webiste of Texas, United States provides a direct link to Texas Constitution. It consists of all the articles and chapers of the Texas Constitution. It consist of 17 articles inclduingt the appendixes. Each article respecttive sections are acweesible online. |

# Assignment 3 Answers

**Question:** Access your state Supreme Court website. Does the website include published opinions of the Supreme Court? If so, in what ways can you search those opinions?

**Answer:**

The state considered here is Texas, United States. The opinions of the United States Supreme Court are published in the United States Reports. They are 800-1200 pages long. The US reports are complied with and published for the Court. The page proofs

are reproduced printed and bound by the private companies under the US Government Publishing Office contract.

These materials of opinions are disseminated to the public electronically as well as in print. On the Texas courts website under the supreme orders column, all the Supreme Court of Texas opinions can be accessed.

They have been starting to release after October 2014 till the present. They can also be accessed through CaseSearch.

The webpages, orders, and opinions released before October 1, 2014, are not converted to the new format, although their archives are fully available on the Texas court website.

# Assignment 4 Answers

The researcher is analyzing a problem involving the sale of goods on credit in state A.

**Authority**

The following authority has been located concerning the problem:

1. State A’s Uniform Commercial Code Act

2. State A’s Consumer Credit Act

3. State B’s Uniform Commercial Code Act

4. A federal statute—Consumer Credit Act

5. *Iron v. Supply Co.*—a decision of the highest

The court in state A

6. *Milk v. Best Buy, Inc.*—a decision of the highest Court in state B

7. *Control Co. v. Martin*—a decision of an intermediary Court of appeals in state A

8. *Lesley v. Karl Co.*—a decision of a trial court in State A

9. *Irene v. City Co.*—a federal case involving the Federal Consumer Credit Act

10. Regulations adopted by state A’s Corporation

A commission that applies to consumer credit and the sale of goods

11. *Restatements of the Law* defining sales, Consumer Credit, and other terms related to the problem

12. An *ALR* reference that directly addresses the Issues in the case

Assume that all the cases are on point, that is, they are sufficiently similar to the facts and issues involved in the problem to apply as precedent.

**Questions**

**a.** Which authority is the primary authority, and which is the secondary authority?

**Answer:** Every law is a primary authority, whereas the sources which are not law and on which the court depends are the secondary authorities.

The primary authority consists of:

1. State A’s Uniform Commercial Code Act.

2. State A's Consumer Credit Act.

3. State B’s Uniform Commercial Code Act

4. Federal Statute Consumer credit Act

5. All the regulations adopted and case laws.

The secondary authority consists of:

1. Restatements of law.

2. American Law Reports references

**b.** Which authority can be a mandatory authority? Why? What would be required for any of the sources to be a mandatory authority?

**Answer:** A mandatory authority source is a source upon which the court depends while deciding on a case issue, for instance, case laws. It consists of legal authority which has to be followed. All the primary authority is mandatory authorities which a court is required to put into consideration while making a decision for a case.

An authority becomes compulsory or mandatory when the authority is associated with the legality question or the issue is to be decided by the court only.

**c.** Which authority can be a persuasive authority? Why?

**Answer:** A persuasive authority is a source that may or may not be abided by the court. The court is not compelled to follow the persuasive authority. On the other hand, the court could consider persuasive authority while solving a case when they have to make a decision. Primary as well as a secondary authority can be considered persuasive authority.

If the primary authority is not associated with the situation of the case, then it would be considered persuasive and not mandatory authority.

**d.** Assuming that all the primary authority applies to the issues raised by the facts of the client’s case, list the authority in the hierarchical order of its value as precedent; that is, the authority with the greatest authoritative value will be listed first, followed by the other authority in the order it will be looked to by the court.

**Answer:** The order of authorities in hierarchical order is as follows:

1. Statues.

2. Cases and

3. Regulations.

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# Assignment 5 ANSWERS

**Facts**

Your client is the plaintiff in a workers’ compensation case. The client was injured in 2021 in state A.

In 2022, the employer destroyed all the business records relating to the client. The destruction of the records was apparently accidental, not intentional. They were destroyed, however, while the client’s workers’ compensation claim was pending.

**Authority**

You have located the following authority, all of which is directly related to the issues raised by the facts of the client’s case:

1. *Idle v. City Co.*—a 2005 decision by the highest court of state A in which the court created a cause of action in tort for the wrongful destruction of business records. The court ruled that a cause of action exists if the records were destroyed in anticipation of or while a workers’ compensation claim was pending. The court also held that a cause of action exists if the destruction was intentional or negligent.

2. A 2014 state A statute—a law passed by the legislature of state A that created a cause of action in tort for the intentional destruction of business records. The statute provides that a cause of action exists if the destruction occurs in anticipation of or while a workers’ compensation claim is pending.

3. *Merrick v. Taylor*—a 2015 decision of the court of appeals of state A. The court of appeals is a lower court than the state’s highest court. The court held that the term *intentional*, within the meaning of the 2004 statute, includes either the intentional destruction of records or the destruction of records as a result of gross negligence.

4. *Davees v. Contractor*—a decision of the highest court of state B interpreting a state B statute identical to the 2014 state A statute. The court held that the term *intentional*, as used in the statute, includes gross negligence only when gross negligence is accompanied by a “reckless and wanton” disregard for the preservation of the business records.

5. A 2016 federal statute—the statute is identical to the 2014 state statute but applies only to contractors with federal contracts.

6. An *ALR* reference—addresses specific questions similar to those raised in the client’s case.

**Questions**

**a.** Which authority is the primary authority, and which is the secondary authority? Why?

**Answer:** All the laws are primary authorities; on the other hand, the non-law authorities on whom the court depends for their decision are secondary authorities.

Primary Authorities:

1. 2014 state statue

2. Idle v. City Co. case

3. Merrick v. Taylor case

Secondary Authorities:

1. 2016 Federal statue

2. ALR reference

3. Davies v. Contractor case

**b.** Which authority can be mandatory? Why? What would be required for any of the sources to be a mandatory authority?

**Answer:** A mandatory authority is an authority on which the court depends while making a decision.’ All primary authorities are mandatory authorities as per the case. A primary authority becomes mandatory when the source is a legal question, as decided by the court.

**c.** Which authority can be a persuasive authority? Why?

**Answer:** Authority can be persuasive which may or may not be abided by the court. The court is not compelled to abide by persuasive authority; however, they may consider it while making a decision. If the primary authority does not follow the section of a court case, then it will be persuasive and not mandatory.

The law passed in 2014 state statute of State A indicates the actions to destroy the evidence intentionally. 2016 federal law supports the law formed in 2014, and the ALR considered it as a mandatory authority.

**d.** Can Idle v. City Co. be an authority at all? Why or why not?

**Answer:** Yes, Idle vs City CO can be an authority as it is a case law that is decided by the court of State A.

**e.** If Idle v. City Co. is authority, to what extent?

**Answer:** It is an authority. Idle v City Co is a primary as well as mandatory authority. It is primary because it is case law. It is mandatory as it is required for the case in question.

**f.** Discuss the impact of Merrick v. Taylor regarding the 2004 State A statute.

**Answer:** The statute passed in 2004 refers to the cause of actions that happened because of destructing the employee records when their compensation was yet to be paid. The statutes state it as justified if the records were intentionally destructed when the compensation was not paid. In the case of Merrick v Taylor, the court considered the statute in State A in 2004 which focuses on the term intentional by stating the destruction as an intentional act.

**g.** Discuss the authoritative value of Davees v. Contractor.

**Answer:** Davees V Contractor has a persuasive value as the Davees case was decided by the court located in State B. This case is not binding on State A; instead, it has a persuasive value.

**h.** Assuming that all the primary authority applies to the issues raised by the facts of the client’s case, list the authority in the hierarchical order of its value as precedent; that is, the authority with the greatest authoritative value will be listed first, followed by other authority in the order it will be looked to and relied on by the court.

**Answer:** Authorities, in hierarchal order, are stated as follows:

1. Statutes or state laws

2. Cases

3. Regulations