More on the Common Law

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- Judges then ruled, given their knowledge of the law and what the locals told them were the facts

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More on the Common Law

The Importance of Precedents

• These “precedents”, like our more formal system today, still had great value. Once they were set, people knew how the court was likely to rule.

And, if you know how the judge will rule, why go to the expense of going to court?

These Decisions Today

• Even though early records are poor, there is a pretty good record of the decisions judges reached.

• Coke writes “it was the established practice amongst judges to…”.

• These decisions form the basis of our current legal system. Judges established rules in many areas, such as criminal behavior, property, contracts, and torts.
Modern Precedents

• Today, we have a hierarchy of courts. If the Supreme Court says “given these facts, the law is…” all courts throughout the United States are expected to rule the same way.

In rare — very rare — cases, precedents are reversed (Plessey v. Ferguson is perhaps the most notable, and there are still debates about Roe v. Wade).

More consistent precedents. This means even fewer lawsuits, for the law is better understood.

End