

Judicial Law

Judicial Law, or case law, is made in courts by judges. This presentation explains how a controversy leads to the creation of a law.

Step 1: Incident Occurs

An incident occurs between two people. The incident must have underlying basis in law known as a cause of action.

A few examples of causes of action are:

- Negligence
- Breach of contract
- Assault and battery



iStockphoto/Thinkstock

Step 2: Decision Made

The case or conflict is heard in court, sometimes by a judge, sometimes by a jury, and a decision is made.



Comstock/Thinkstock

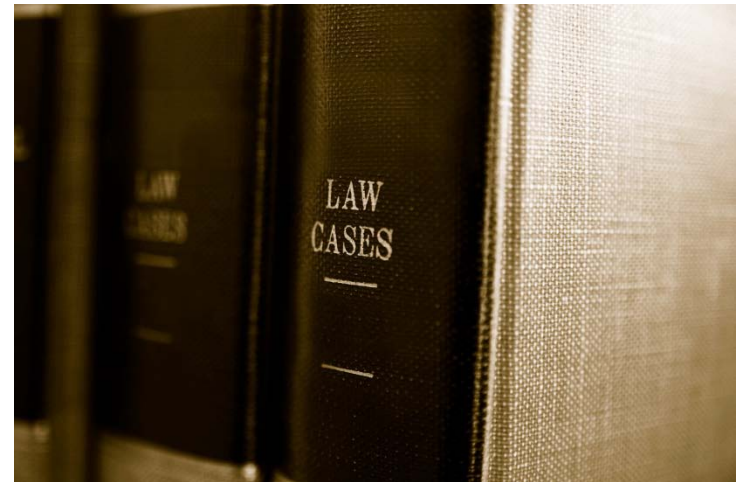
The end result is that either the defendant wins or the plaintiff wins money damages.

* Note that if the parties settle out of court or drop the lawsuit, then no opinion is ever rendered and no case law will be created.

Step 3: Decision Recorded

The decision is written down and put into a book of cases known as “case law.”

Recorded case opinions become precedent that future judges can refer to. The precedent forms a body of law under the process of stare decisis.



Hemera/Thinkstock