

Hierarchy of Binding/Persuasive Primary Authority*

<u>Type of Primary Authority</u>	<u>When Binding</u>	<u>When Persuasive</u>	<u>Notes</u>
U.S. Constitution	Binding on all federal and state courts.		
U.S. Supreme Court decisions interpreting and applying federal law	Binding on all federal and state courts.		The U.S. Supreme Court is the only federal court whose decisions on issues of federal law are binding on state courts.
Federal statutes (assuming no conflict w/ U.S. Constitution)	Binding on all federal and state courts.		
Federal administrative regulations (assuming no conflict w/ U.S. Constitution or a federal statute)	Binding on all federal and state courts.		
U.S. Court of Appeals decisions interpreting and applying federal law	Binding on federal district courts within the given federal judicial circuit.	May be persuasive for federal courts outside the given judicial circuit and for state courts.	A state court frequently will follow lower federal court decisions on issues of federal law. Generally, a state court is most likely to follow decisions from a U.S. Court of Appeals whose circuit includes that state or from a U.S. District Court located within that state.
U.S. District Court decisions interpreting and applying federal law		May be persuasive for other federal courts and for state courts.	

*Adapted from Christopher G. Wren and Jill Robinson Wren, The Legal Research Manual: A Game Plan for Legal Research and Analysis (2d ed. 1986)