Legal Research Tip:  
Types of Legal Authority

As you begin to do legal research it is important to know the difference between primary or secondary authority and mandatory or persuasive authority.

*Primary authority* or sources include the actual rules of law created by a governmental body- constitutions, statutes and codes (from the legislature), case opinions (from the courts) and regulations (from administrative agencies). These materials may be generated from the local, state or federal level.

*Secondary authority* or sources include materials that explain or comment on areas of law such as articles, treatises, hornbooks or legal encyclopedias. Secondary authority is useful in helping you understand a particular legal topic or as a means of finding the primary resources since there are often citations in the text or footnotes. Secondary authority is usually not cited in a brief because it is only *persuasive*, meaning that the court is not required to follow the analysis.

Primary authority such as cases or statutes may be *mandatory* or binding if they are from your jurisdiction or they may be merely persuasive if from another jurisdiction. For example - in a Colorado state court case, Colorado Supreme Court opinions are binding; but if there is no applicable Colorado case law you might cite a California case to try to persuade the judge to rule in a similar way.