

ERRATUM

PROTECTED REASONS AND PRECEDENTIAL CONSTRAINT— ERRATUM

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Owing to editorial errors in the article by Mullins,¹ angled brackets have been misplaced in several formulae. The sentences in question follow:

- For any case $c = \langle X, r, s \rangle$, $\text{Factors}(c) = X$, $\text{Rule}(c) = r$ and $\text{Outcome}(c) = s$.
- In order to ensure coherence, we stipulate that for any case $c = \langle X, r, s \rangle$ belonging to a case base Γ , $\text{Premise}(r) \subseteq X^s$.
- Suppose the court reasons against the background of a case base Γ_1 that contains only one case, $c_1 = \langle X_1, r_1, \pi \rangle$.
- In a new fact scenario X , a decision in X based on the rule r and leading to outcome s will satisfy the protected reason model of precedential constraint just in case $\Gamma \cup \{(X, r, s)\}$ is exclusion consistent.
- Adding the case $c_2 = \langle X_2, r_2, \delta \rangle$ to Γ_1 would introduce inconsistency into the case base because we could then derive the priority relation $\{f_1^\pi, f_2^\pi, f_3^\pi\} <_{c_2} \{f_1^\delta\}$, which is inconsistent with the priority order $<_{c_1}$.
- A case base Γ is exclusion consistent just in case there is no case $c = \langle X, r, s \rangle$ in Γ such that for another case $c' = \langle X', r', \bar{s} \rangle$ in Γ , $X' \models \text{Premise}(r)$ and $\text{Premise}(r') \in \text{Excluded}_c$.
- Supposing that the decision for defendant in this case is represented by the case $c_5 = \langle X_5, r_4, \delta \rangle$, $\Gamma_1 \cup \{c_5\}$ will not be exclusion inconsistent.
- To illustrate the equivalence between the two approaches we can return to the same example of a case base Γ_1 involving the previous decision $c_1 = \langle X_1, r_1, \pi \rangle$, where the decision-maker is as before faced with the new fact scenario $X_2 = \{f_1^\pi, f_1^\delta\}$.

1. Robert Mullins, *Protected Reasons and Precedential Constraint*, *LEGAL THEORY* (Published 15 July 2020). <https://doi.org/10.1017/S1352325220000075>.

- To illustrate this, consider a case base Γ_2 involving the two cases introduced above, $c_1 = \langle X_2, r_1, \pi \rangle$ and $c_3 = \langle X_3, r_1, \pi \rangle$, recalling that $X_1^{\pi} = \{f_1^{\delta}\}$ and $X_3^{\pi} = \{f_2^{\delta}\}$.
- Instead the judge rules for the plaintiff, with the ruling represented by case $c_6 = \langle X_2, r_1, \pi \rangle$ because they take $\{f_1^{\delta}\}$ to be excluded from being a reason for ruling for the defendant.
- It follows from (5) and **Definition 4** that where $c = \langle X, r, s \rangle$, (7) $P \subseteq X^s$ and (8) $Premise(r) \subseteq Q$.

We regret the errors.