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Research Guide : Federal Case Law

Introduction

Case law is the law as evidenced by a written judicial opinion. It is distinguished from statutory or administrative law although it frequently interprets these types of law. A judicial opinion is the expressed reasoning for the conclusion in a certain case. This research guide discusses how to locate federal case law. Although the focus here is on federal cases, the principles utilized to locate federal case law are applicable for locating the case law of a particular state.

Basics

Publication of opinions — Judicial opinions are published in three stages. The first is in the form of a *slip opinion* issued and published by the court soon after the decision is handed down. The second stage of publication is known as *advance sheets*, a portion of opinions that are ultimately published in the same reporter volume. Advance sheets typically contain the volume and page numbers of the future reporter volume. The final stage of publication is the actual *reporter volume*. The reporter contains several advance sheets bound into a new volume of the respective reporter series.

Published v. Unpublished opinions — Not all cases result in judicial opinions that are published. Published opinions are available both online and in hard copy in one of the various series of reporters.

— With regard to the federal courts of appeals, only those opinions deemed to have “general precedential value” are designated for publication by the court. As of January 1, 2001, some unpublished opinions of the federal courts of appeals can be located in the *Federal Appendix*. These are cases that were not selected for publication in the *Federal Reporter* and that generally do not have precedential value.

— The *Federal Supplement* contains cases from the federal district courts (or the trial courts). As a general rule, opinions of the trial court are not published. Cases located in the *Federal Supplement* have been submitted for publication by the judge writing the opinion.

Remember to check local court rules before relying on an unpublished opinion as authority.

What is a Reporter and what is the National Reporter System? A *reporter* is a collection of cases from a particular court or group of courts. The *National Reporter System* is the most comprehensive collection of federal and state cases available in print. The reporter system has three distinct divisions: (1) state court cases, (2) federal court cases, and (3) special court cases.

Cases from the United States Supreme Court are published in the *United States Reports* (the official reporter) as well as the *Supreme Court Reporter* and the *United States Supreme Court Reports, Lawyers' Edition*. *United States Law Week* (available through the library's online database collection under BNA Online) is an excellent source for the most recent decisions of the Supreme Court. Newly released decisions of the Supreme Court are first available from their official website at <http://www.supremecourtus.gov>.

Cases of the federal courts of appeals are located in the *Federal Reporter* (consisting of three series) and cases from the federal district courts are located in the *Federal Supplement* (consisting of two series).

State court cases are found in the regional reporters which include the *Atlantic Reports*, the *North Eastern Reports*, the *North Western Reports*, the *Pacific Reports*, the *South Eastern Reports*, the *Southern Reports*, and the *South Western Reports*. States are loosely grouped into reporters based on geography. Cases from the highest and the intermediate appellate courts of each state are included.

There are special subject reporters for some courts. Three reporters of note are:

- the *Federal Rules Decisions* (F.R.D.), collecting cases on Federal Rules of Civil Procedure and Evidence,
- *Bankruptcy Reporter* (B.R.), reporting decisions of the Bankruptcy court and,
- *United States Tax Court Reports* (T.C.), reporting cases of the Tax Court.

Abbreviations for Common Reporters for Federal Cases —

U.S. — *United States Reports* (official reporter for the United States Supreme Court)

S. Ct. — *Supreme Court Reporter* (unofficial reporter for United States Supreme Court)

L. Ed. and L. Ed. 2d -- *United States Supreme Court Reports, Lawyer's Edition* (unofficial reporter for United States Supreme Court)

F., F.2d, F.3d — *Federal Reporter, Federal Reporter 2d and 3d series*

F. Supp and F. Supp. 2d — *Federal Supplement and Federal Supplement 2d series*

Digests -- Digests are multi-volume subject-matter indexes relating to a particular reporter or group of reporters. They should never be cited as legal authority. They contain a brief paragraph describing the legal issues decided in a case. Topics are arranged in alphabetical order. Digests relating to a particular reporter are shelved just after the reporter.

Citations – Case research is not complete until the researcher determines that the particular case has not been reversed, overruled, or questioned. *Shepard's Citators* were the traditional method for completing this task. With the advent of the Westlaw and Lexis online databases, one can use *KeyCite* (Westlaw) or *Shepard's* (Lexis) to verify the validity of a case by simply entering the case citation into the respective service. In addition to verifying the validity of a particular case, these services may also provide a list of citations to other cases and journal articles where the case has been cited. This can be useful in locating additional support for an argument.

How to Research Case Law

Researching case law with case citations:

- read the cases that correspond to existing cites
- ensure cases stand for the proposition cited
- update case history using citation verification services

Researching case law from scratch:

- consider first locating a journal article, a treatise, an A.L.R. annotation or a legal encyclopedia as a starting point. [See *Research Guide: Selected Elements of Basic Legal Research*]
- consider if there is a statute that is relevant and consult an annotated code
- consult one of the relevant digests to locate cases on the particular subject matter
- remember that there may not be a case on point in the particular jurisdiction
- consider locating cases from other jurisdictions
- stop when case citations become repetitive

Locating case citations by case name:

- locate the particular digest which corresponds to the case
- knowing the approximate date the case was decided and the jurisdiction is helpful

- locate the *Table of Cases* at the end of the relevant digest
- for well known cases, *Shepard's Acts and Cases by Popular Name* [Ref. KF90 .S52 1999 (updated through 2010)]

Internet Resources

There are several free Internet resources which may be useful in locating federal case law. A selection of such sites is below.

United States Supreme Court: <http://www.supremecourtus.gov>
Home page for the Supreme Court

Legal Information Institute: <http://supct.law.cornell.edu/supct/>
Archive of Supreme Court decisions

Fed World/FLITE Supreme Court Decisions Homepage: <http://supcourt.ntis.gov/>
Search full text of Supreme Court decisions issued between 1937 and 1975

LexisOne: <http://www.lexisone.com>
Access to Supreme Court decisions back to 1790

Revised 5/19/10