

CHAPTER 4-CASE LAW & JUDICIAL OPINIONS

A. Selective Publication

**E Govt Act of 2002: requires all federal courts to provide Internet access to opinions

B. Case Elements:

1. Case Name

a. Examples:

2. Docket Number

3. Date of Decision

4. Case Summary/Synopsis/Syllabus:

a. publisher written

b. should not be quoted from or cited to

5. Headnotes:

a. publisher written

b. should not be quoted from or cited to

c. as written = Ct's holdings

d. turn into questions = issues

6. Names of Counsel

a. appellant

b. appellee

7. Opinion:

a. judge writing it identified

b. majority opinion

c. per curiam opinion

d. concurring opinion

e. plurality opinion

f. dissenting opinion

g. memorandum opinions-see p. 122

h. en banc opinion

i. chamber opinion

**contains court's reasoning: why ct reached decision it reached and what authority court relied on to reach decision

j. decision=disposition: affirm, reverse

C. Publication of Opinions: Reporters

1. Official
2. Unofficial
3. See Bluebook
4. Series: i.e. 2d, 3d, 4th etc
5. Advance sheets

D. Publication of State Court cases

1. West's Nat'l Reporter Systems- p. 128
 - a. Regional reporters
2. Parallel citations
3. Citation form:
 - a. when both official and unofficial reporters
 - b. when only unofficial reporter
4. Discontinuance of official state reporters

a. See Bluebook under each state

E. Publication of federal cases

1. United States Supreme Court cases:

a. Official reporter: United States Reports: U.S.

b. Unofficial reporters: (S.Ct. & L.Ed.)

c. See Table T.1: p. 193 Bluebook

d. Rapid Access to U.S.S.Ct. cases

(1) slip opinions

(2) Westlaw

(3) U.S. Law Week

(4) Internet:

<http://www.supremecourtus.gov>

e. Citation form: see p. 153

2. United States Circuit Courts of Appeal cases

a. no official reporter

P. 5

- b. unofficial reporter: F., F.2d, F.3d
- c. Federal Appendix:unpublished decisions
- d. Citation form:see p. 155

- e. Federal Appendix: 2001 West publishes normally unpublished opinions-p. 135

3. United States District Courts

- a. no official reporter
- b. unofficial reporter: Federal Supplement
F. Supp. , F. Supp. 2d
- c. Citation form:see p. 155

- 4. Federal Rules Decisions: F.R.D.: cases regarding rules of criminal & civil procedure, rules of evidence
**see p. 137:table of abbreviations

F. Star Paging

- a. See p. 139 for example

G. Miscellaneous Nat'l Reporters

H. Features of West's Reporters:

- 1. Table of Cases

2. Table of Statutes & Rules

3. Table of Words & Phrases

4. List of Judges

5. Key Number System

I. Finding Parallel Citations:

1. Cross-references on first page of case
** see p. 139-Fig. 4-6

2. Nat'l Reporter Bluebook

3. Shepard's Citators & Westlaw's KeyCite

4. State Digests

J. Review Summary on p. 144-146

K. Briefing Cases= short summary

1. Case name & citation

2. Procedural history

**see p. 149-Westlaw's graphic procedural history

3. Facts

4. Issues: see p. 150

5. Holdings/ Answers

6. Reasoning

7. Disposition

***See sample on pp. 152-153

** See Figure 4-10 on p. 155: common legal abbreviations & CyberSites on p. 156