

US Law Report Sources

Roger Cook of Mayer, Brown, Rowe & Maw has produced a guide to the most important and accessible sources of US law reports which is aimed at those of us who do not necessarily need constant access to such sources.

Introduction

When asked to do this article I thought the easiest way to approach it was to cheat. To that end I looked at the Chicago version of our intranet which has a section on sources of case reports across the various State and Federal Courts. I thought, all I need to do is copy these out and the article will be done with a minimum amount of effort. Unfortunately, the links covered some 12 pages and consisted of well over 400 links. In the interests of the sanity of us all, I shall be more selective and give details of those sources which are probably of most use to those of us not working within the United States and who are likely to have only the occasional need to access US cases. Clearly the vast bulk of material is available via either Lexis or Westlaw so I shan't mention them beyond this sentence, but there are many other sources many which are free or much cheaper than using either of these.

Online Sources

Before going into the court-specific sites, I'd just like to point out which is very useful, not just for law reports, but also for accessing the US Code:- the following site.

<http://www.findlaw.com/cascode/>

The general Findlaw site is also a good site for doing research into other matters relating to US law. I shall start at the top with the Supreme Court and work down to the district level on the Federal side and then briefly cover the State Courts as well. I shall give details of the electronic sources and the main hard copy equivalents too. Before going into these though, the site below is probably a good starting point if you don't know where you should be looking:-

<http://www.uscourts.gov>

This site links into all the Federal court sites and contains some useful publications which give background to the structure and workings of the Federal court system in seven languages, including Serbian.

Supreme Court

<http://www.supremecourtus.gov>

The website of the Supreme Court contains judgments dating back to 1991 in bound volume form, which are placed on the website in PDF format as they are issued. The current opinions which aren't as yet available in bound form can be accessed via the *recent opinions* tab on the front page of the website, which takes you to a list of slip opinions for the 2005 term. This ends in October 2006, when the bound volumes for the year will be issued.

Courts of Appeal

The Courts of Appeals are divided into 12 Circuits covering all the States. In addition there is a Federal Circuit and some specialised ones covering areas such as the armed forces and veterans. The link below takes you to a map which is divided into the areas which each circuit covers, and from which you can link to the individual courts:-

<http://www.law.emory.edu/FEDCTS/>

Unfortunately with the Circuit courts there is no consistency across the sites as to the accessibility of opinions. Some will allow free access to a good range of opinions, others to only more recent ones and some to none at all. There is a service though through which you can get access, in addition to Lexis or Westlaw, called PACER:-

<http://pacer.psc.uscourts.gov/psco/cgi-bin/links.pl>

Despite having to register and open an account it does work out reasonably cheap to access opinions through this. The current charge is eight cents per page. This also gives access to opinions from other levels of court, including both the Supreme Court and the District Courts. This leads neatly on to:-

District Courts

The lowest level of Federal Court is divided into districts which cover parts of states, the number depending on the

size of population of that state. Some of the smaller ones have as few as one (States like Alaska or Kansas), though in the bigger ones there can be as many as four, such as in California or New York. Appeals from the districts go up to the circuit which covers the wider area. The link below is to a map of the United States showing the relevant circuits. Clicking through from this will take you to a list of, and links to, the District Courts for each State as well as to various other local Court services. These include the Bankruptcy Courts and other legal services available within the district:-

<http://www.uscourts.gov/courtlinks/>

As with the Courts of Appeals, access to the opinions at District level is variable, even within individual states. For example, opinions dating back to the beginning of 2000 are freely available within the California Central District, but the only way to access any in the California Eastern District is via the PACER system as mentioned above.

A final link that I think would be useful to share is the one below:-

<http://www.law.emory.edu/caselaw/>

This is a page on the Emory University's School of Law MacMillan library website. It draws together links into opinions from as many of the Federal Courts at all levels as possible. The opinions are taken from various sources. For example, direct from the Court website where they are available free, or from the Findlaw site mentioned above where they have a link and, in some instances, from the university's own archive of opinions.

State Courts

As with the lower Federal Courts, the situation with the State Courts varies from state to state. Some give easy access to opinions dating back several years while others have only very recent cases on their sites. Still others give no free access at all, and these will need to be obtained via the Pacer site. Outside our own intranet, I haven't found a publicly accessible site which links directly into the State Court websites. The link below contains sites for all the states, with further links when the name is clicked on, to governmental and other law-related material, including law libraries and schools within the State.

<http://www.socialaw.com/content.htm?sec=StateLaw>

Hard Copy Sources

Given where we are, it is probably far less likely that you will need to obtain hard copies of law reports and, I have to confess, on those rare occasions when I do need to do this I tend to ask our Chicago library to supply them to me. There is value, however, in knowing what the various

major series of law reports are in order to help you to search for a case by citation on Lexis or Westlaw for example, or to enable you to Shepardize a case.

The format for citations is the same for all reports, and goes in the order of Volume, Law Report, Page Number and Year. So, for example:

477 U.S. 57 (1986) is a case which appeared in volume 477 of the United States Reports on page 57 and was issued in 1986. I shall give a brief run down of the major law report series for the Federal Courts, with the appropriate abbreviations to operate as an aide-mémoire.

Supreme Court

There are three principal sets of Law Reports which cover the Supreme Court. The first of these is the *United States Reports* (U.S.). This is the official report series and is the one that can be found on the Supreme Court website, as mentioned above. The second is the *Supreme Court Reporter* (S.Ct.), which is produced by West and, as with the third version, has editorial additions which are not contained in the *United States Reports*. The final one is the *United States Supreme Court Reports, Lawyers Edition* (L.Ed.). There are two series of this and the Second Series will have 2d. after the initial abbreviation to distinguish it.

Courts of Appeals

The main set of reports covering the Appellate Courts is the *Federal Reporter* (F.). This is now in its third series. The first covers cases from 1885 to 1924, the second (F.2d) contains the years 1925–1993 and the third (F.3d) goes from 1993 to the present day. There are several other reports available which cover the Appellate Courts, and I shall only mention a few. The main one that springs to mind is the series by the Lawyers Co-operative Publishing Company. This is called the *American Law Reports Federal* (A.L.R.Fed.), which started in 1969 and is currently in its second series (A.L.R.Fed. 2d). It grew out of the more general *American Law Reports*, which began in 1919 and has just started a 6th series. These series, however, are not mainly used for the case reports in them, which comprise less than a quarter of each volume, but rather for the articles which discuss issues raised by the cases. Other reports cover the specialist courts, such as the *Bankruptcy Law Reports* (Bankr. L. R.) published by CCH, and the *Uniform Commercial Code Reporting Service* (UCC Rep. Serv.) which is now in a second series. There is a full list of the reports and their abbreviations available within the cases files on both Lexis and Westlaw.

District Courts

Cases in the District Courts are covered by the *Federal Supplement* (F.Supp.), which split off from the Federal

Roger Cook

Reporter in 1931. The second series started in 1998 (F.Supp.2d). Although these are both published by West, there is no official Court Reporter beyond these at this level, and they have been adopted as official reporters by the government.

State Courts

Not all states still publish official reports of their cases and instead they can be found in the Regional Reporters. A list of these reporters, and the areas they cover, is shown below. In the instances of California and New York, the cases are so numerous that they have individual reporters just for each of them:-

- *Atlantic Reporter* (A., A.2d) Connecticut, District of Columbia, Delaware, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Rhode Island and Vermont
- *California Reporter* (Cal. Repr., Cal. Repr.2d and Cal. Repr.3d)
- *New York Supplement* (N.Y.S., N.Y.S.2d)
- *North Eastern Reporter* (N.E., N.E.2d) Illinois, Indiana, Massachusetts, New York and Ohio
- *North Western Reporter* (N.W., N.W.2d) Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin
- *Pacific Reporter* (P., P.2d., P.3d) Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington and Wyoming
- *South Eastern Reporter* (S.E., S.E.2d) Georgia, North Carolina, South Carolina, Virginia and West Virginia
- *South Western Reporter* (S.W., S.W.2d, S.W.3d) Arkansas, Kentucky, Missouri, Tennessee and Texas
- *Southern Reporter* (S., S.2d) Alabama, Florida, Louisiana and Mississippi.

I do not intend to attempt to cover all the courts across the states, but will just give the example of those reports which cover New York, as it is probably one of the most complicated. Working in a commercial setting New York is the state law which one is most likely to need as a lot of cross-border contracts tend to be written either under English law or New York law. This is

somewhat of a simplification of the position, but there is a more detailed exposition available here if you need to look further:-

<http://www.law.nyu.edu/library/nycourt.html>

New York's courts are, put in very basic terms, split into three levels and, be warned, the nomenclature is not necessarily the most obvious to help you to differentiate which order the courts come in. The highest of these is the Court of Appeals. Cases from here are reported officially in the *New York Reports* (N.Y.R) and additionally in West's *New York Supplement* (N.Y.S).

Below this level are the Appellate Divisions of the Supreme Court. The official reports of their cases appear in the *New York Appellate Division Reports* (A.D.). The West Reports mentioned above contain reports from the Appellate Division. These reports contain cases from another division at this level, called the Supreme Court, Appellate Term. The official reports from this court are the *New York Miscellaneous Reports* (Misc., Misc.2d).

The lowest level of court in New York is the Supreme Court. Official reports are also contained within the *Miscellaneous Reports*, and the unofficial ones in the *New York Supplement*. Included further at this level are the other courts within the New York system at the same level as the Supreme Court. These include the County and Family Courts as well as those in the City of New York itself.

Conclusion

This article really only scratches the surface of the materials and sources which are available out there. I suspect that the vast majority of readers will find the online links far more useful than the hard copy ones, but I hope that the abbreviations and how the citations work will be of use in Shepardizing cases should you need to. If you do wish to look further into the available hard copy law reports, it is worth looking on the law library website of more or less any of the universities. In researching this article I looked around to see if there were any useful ones and could hardly move for them. Here are one or two of the most useful ones:-

<http://www.law.emory.edu/erd/subject/ilrguide.html>

<http://lib.law.washington.edu/research/research.html>

<http://www.bu.edu/lawlibrary/research/index.htm>

Biography

Roger Cook is Head of Information at Mayer, Brown, Rowe & Maw LLP, a position he has held through various incarnations for 11 years. He is currently Chair of BIALL, having previously served as Vice-Chair and Chair of the Conference Committee prior to that.