

Cases: A Primary Source of Law

Professor Lisa Smith-Butler
Nova Southeastern University
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Introduction

- The doctrine of *stare decisis* is based upon the premise that courts will adhere to judicial precedent. According to Mersky & Dunn, *stare decisis* is **“the principle that the decision of a court is binding authority on the court that issued the decision and on lower courts in the same jurisdiction for the disposition of factually similar controversies.”**
- See Roy M. Mersky & Donald J. Dunn, *An Introduction to Legal Research*, in *Fundamentals of Legal Research* (New York: Foundation Press 2002). See p. 5.



Stare Decisis & Court Reporting

- As a practical purpose, this means that judges, attorneys, and legal researchers have to review established judicial authority and rules of law as the foundation for formulating legal arguments and issuing opinions.
- This means that these individuals must have access to these judicial decisions-- hence, the importance of case law.



Components of a Case

- Typically a case contains the following components:
 - *Name or Title*, i.e. *Pennoyer v. Neff*;
 - *Citation* which includes the volume number, reporter, and page number, i.e. 531 U.S. 98. If there is a parallel citation, it is also included;
 - *Docket Number* which is the number assigned to a case by the court when it is filed, i.e. 01-03;
 - *Date the decision* was rendered by the court;
 - *Syllabus*;
 - *Names of Attorney*; and
 - *Opinion* of the court.



[Illustration 3-2]

A TYPICAL CASE AS REPORTED IN AN OFFICIAL SET
OF STATE COURT REPORTS (308 ARK. 439)

	[308 ARK.]	439
Name or Title of Case	→ WAL-MART STORES, INC. v. Carolyn DOLPH	Citations
Docket Number	→ 91-121	
		825 S.W.2d 810
Date of Decision	→ Supreme Court of Arkansas Opinion delivered February 24, 1992	
Headnotes	<ol style="list-style-type: none"> 1. LIBEL & SLANDER — UNPRIVILEGED PUBLICATION TO A THIRD PARTY. — An essential element in any slander suit is an unprivileged publication of the slander to a third party. 2. LIBEL & SLANDER — NO DIRECT TESTIMONY FROM A THIRD PARTY THAT THEY HEARD THE SLANDER — EVIDENCE WAS SUFFICIENT. — Even though there was no direct testimony from a third party who heard the slanderous statement by appellant's loss-prevention officer, sufficient circumstances existed to give rise to a reasonable inference that the accusation was overheard and to constitute substantial evidence to support the jury's verdict for appellee where there was testimony that the shoplifting accusations were made near the check-out counter and the exit where there was heavy customer traffic, there was testimony by appellee that she was sure people were listening to their argument and that she felt she was on display in front of the whole store and was very embarrassed, and there were two of appellant's employees staring at her while the loss-prevention officer called another store, hollered down to her for identification, and requested she come up to the office. 3. EVIDENCE — HEARSAY — EVIDENCE OFFERED FOR FACT IT WAS SAID NOT FOR ITS TRUTH PERMITTED. — Since it was offered for the fact that something was said, not for the truth of the matter asserted, and since the trial judge so instructed the jury, appellee was correctly permitted to testify that her sister's mother-in-law had been told by one of appellant's employees that appellee had been caught shoplifting. 	
Prefatory Statement	→ Appeal from Desha Circuit Court; <i>Stark Ligon</i> , Judge; affirmed.	
Names of Counsel	→ <i>Wright, Lindsey & Jennings</i> , by: <i>Edwin L. Lowther, Jr.</i> , for appellant. → <i>Gill, Johnson & Gill</i> , for appellee.	
Start of Statement of Facts in Opinion	→ ROBERT L. BROWN, Justice. The appellant, Wal-Mart Stores, Inc., appeals a jury verdict and judgement for slander in favor of the appellee, Carolyn Dolph, in the amount of \$25,000. The sole issue raised on appeal is whether there was lack of	



Court Reporting

- Since cases are so vital to American law, they are reported.
- There can be official reports and unofficial reports of decisions.
- Official reports are court reports authorized by either statute or court rule. Citation preference is given to official reports by the *Bluebook*. Other citation manuals attempt to provide vendor neutral citation formats.
- Unofficial reports are usually published by commercial publishers and not at the direction of the Legislature or Court.



- The U.S. Supreme Court publishes its print opinions in the following formats and order:
 - individual opinions known as slip opinions;
 - in paperback formats known as advance sheets; and
 - in final bound volumes.



A bound volume typically includes:

- a list of the *Table of Cases* contained within;
- A list of the *Table of Statutes* interpreted by cases reported within the volume;
- a list of judges sitting on the Court;
- changes in court rules;
- cases cumulated from preceding advance sheets;
- subject index or digest.



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Organization of Case Reports

- As a general rule, case reports are organized in one of three ways:
 - by jurisdiction;
 - by geography;
 - by subject.



Federal Courts

- Federal Courts are organized in a hierarchy so that the final result appears to be a pyramid.
- Trial courts are the initial triers of fact. In the federal court system, the trial court is usually known as the district court. Witnesses testify and physical evidence is presented. If a jury trial is allowed, a jury is present at this court.



Specialized Federal Courts

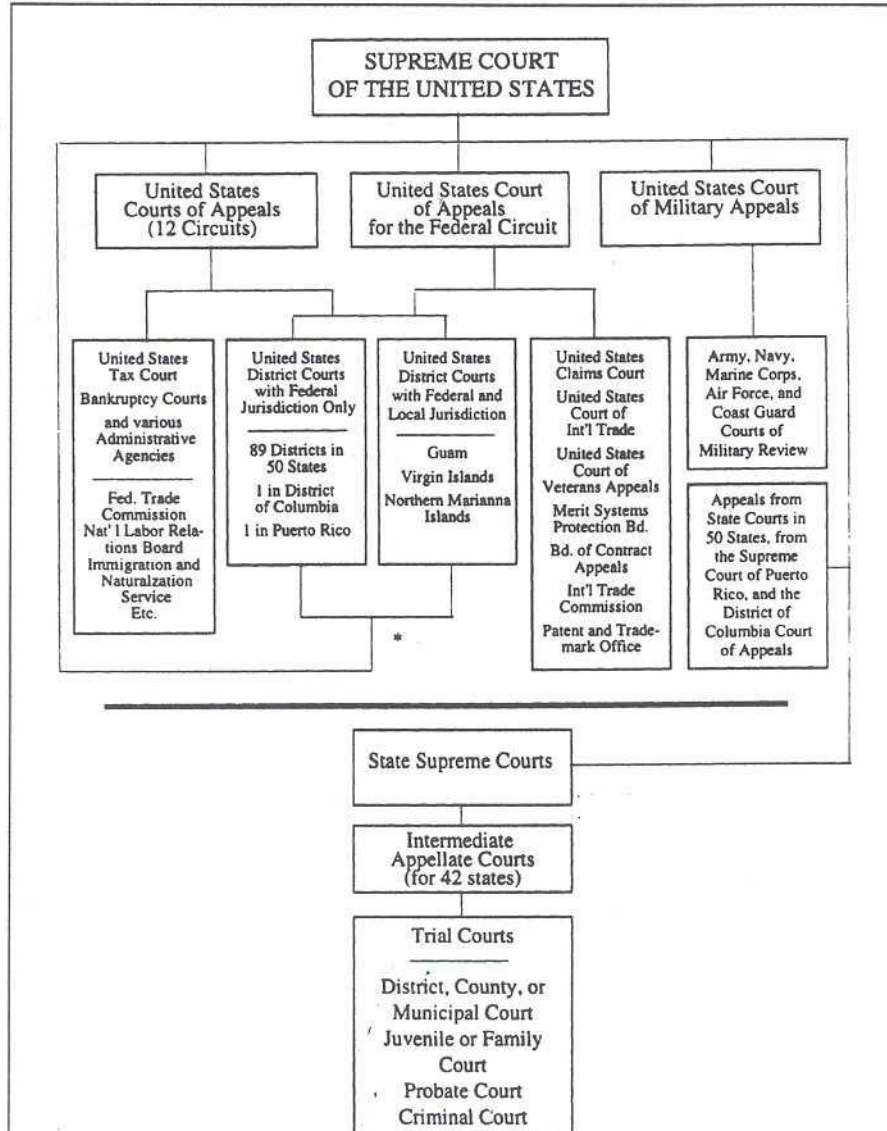
- While federal district courts are usually the initial introduction into the federal court system, there are specialized federal courts that also act in the same capacity. Some of these are:
 - United States Tax Courts;
 - United States Bankruptcy Courts;
 - National Labor Relations Board;
 - Immigration & Naturalization Services; &
 - Federal Trade Commission.



SECTION F. ILLUSTRATIONS

[Illustration 3-1]

BASIC COURT STRUCTURE IN THE UNITED STATES



*Direct review of the Supreme Court of an order granting or denying an interlocutory or permanent injunction in a civil action to be heard and determined by a district court of three judges, and from an interlocutory or final judgment



Federal Courts

- Circuit Courts of Appeal are the intermediate appellate court. At this stage, a panel of judges review the court transcript and examine briefs written by attorneys.
- Issues of law, not fact, are decided at this level.
- No witnesses testify. Instead attorneys write briefs and argue before the court.
- The United States Supreme Court is the final court of appeal in the U.S. It also has limited original jurisdiction and can act as a trial court when using this jurisdiction.



Distinguishing Between Issues of Law & Issues of Fact

- Joan, a Georgia resident, is vacationing in Florida. While there, Joan has a wreck with Sue, a Florida resident. Joan claims that Sue pulled out in front of her. Thus the wreck is Sue's fault, says Joan. Joan sues Sue.
- At the trial court, witnesses testify about what they saw. A jury then decides that Sue did indeed improperly pull out in front of Joan and cause the wreck. This is an issue of fact, to be decided by the trier of fact, i.e. the jury.



- When it becomes time to award damages, the trial judge instructs the jury to apply Florida law which results in the imposition of fewer damages than would result if Georgia law were applied.
- Joan appeals this, asking the 11th Circuit to tell the trial judge that he instructed the jury incorrectly regarding damages.



- This is an issue of law that can be decided by the appellate court. However, the appellate court cannot decide that the witnesses were lying, were blind, etc.



Publication of Federal Court Reports

- The United States Supreme Court has published decisions, i.e. reports from 1789 onwards.
- Supreme Court decisions are officially reported in the *United States Reports, U.S.*
- Since official publication of Supreme Court reports did not begin until 1817, the first 90 volumes of the series are cited by the name of the individual reporter, i.e. Dallas, Cranch, Wheaton, Peters, Howard, Black & Wallace.



U.S. Supreme Court

- There are commercial publications of the Court's decisions, including:
 - *West's Supreme Court Reporter (S.Ct.)* which includes editorial enhancements such as topics and key numbers.
 - *United States Supreme Court Reports, Lawyer's Edition (L.Ed.)* published by Lexis. This series also contains editorial enhancements.
 - A loose leaf , published by BNA, known as *United States Law Week, USLW*.



U.S. Supreme Court

- In addition to recent opinions of the U.S. Supreme Court, *United States Law Week* also includes:
 - Case Alert
 - Legal Analysis
 - Supreme Court Today
 - Cases Docketed
 - Cases Recently Filed
 - Hearings Scheduled



U.S. Supreme Court

- The full text of U.S. Supreme Court opinions are also available on Westlaw (*SCT database*) and Lexis (*Genfed library; US file*).
- Decisions from 1991 onwards are available at the U.S. Supreme Court's official site, <http://www.supremecourtus.gov/>.
- Supreme Court decisions are also available on [Findlaw](#), Cornell's [Legal Information Institute](#), [Oyez](#), and [Flite](#).



Federal Circuit and District Courts

- *Federal Cases* provides reprinted reports of all available U.S. circuit and district court opinions from 1789-1879.
- Next the *National Reporter System*, published by West, kicks in. It includes cases arranged by jurisdiction in the *Federal Reporter* and *Federal Supplement* while the *Military Justice Reporter*, *Bankruptcy Reporter*, *Federal Claims Reporter*, & *Veterans Appeals Reporter* are arranged by subject.



Federal Reporter

- The **Federal Reporter** (*F.*, *F.2d*, *F.3d*) is now in its third series. It reports decisions from the **U.S. Circuit Courts of Appeal**.
- It contains cases from 1879 to the present.
- Prior to 1932, it also included decisions from U.S. District Courts.
- Decisions from the U.S. Circuit Courts of Appeal are available on Westlaw (*CTA*) and Lexis (*Genfed library; usapp file*) as well as at [Emory's Federal Courts Finder](#).



Federal District Court Cases

- Reported decisions from U.S. District Courts are published in the *Federal Reporter* series, prior to 1932.
- After 1932, decisions from **U.S. District Courts** are reported in the ***Federal Supplement (F. Supp.)*** series.
- Electronically, decisions from **U.S. District Courts** are published in the **DCT** file on **Westlaw** and the **Cases-US/District and State Courts by State** file on **Lexis**.



- The ***Military Justice Reporter*** reports cases from:
 - 1975 onwards; &
 - includes decisions from the **U.S. Court of Military Appeals** and **Courts of Military Review**.



- The ***Bankruptcy Reporter*** includes decisions from:
 - 1980 onwards
 - issued by **U.S. Bankruptcy Courts** and cases from U.S. District Courts that deal with bankruptcy matters.
- The ***Federal Claims Reporter*** contains cases from:
 - the **United States Claims Court**, later the **United States Court of Federal Claims**, from 1982 onwards.
- The ***Veterans Appeal Reporter*** reports cases from:
 - the **U.S. Court of Veterans Appeals** from 1991 onwards.



State Court Decisions

- Individual states can choose to publish their Supreme Court and Appellate Court decisions officially, i.e. if mandated by the Legislature, or unofficially, when published by a commercial/private publisher. Most trial court decisions issued by state trial courts are not published.



Florida's Courts

- The highest court of the state is the Florida Supreme Court, located in Tallahassee. This Court is empowered to:
 - exercise appellate jurisdiction;
 - promulgate rules of practice and procedure for all Florida courts; and
 - govern the admission and discipline of lawyers in Florida.



Florida's Appellate Courts

- Next are five District Courts of Appeal, located in:
 - Daytona Beach
 - Lakeland
 - Miami
 - Tallahassee
 - West Palm Beach
- These courts hear appeals from trial courts located within their geographic area.



Florida's Circuit Courts

- There are 20 circuit courts that have the following types of jurisdiction:
 - trial level jurisdiction for serious civil and criminal matters; and
 - limited appellate jurisdiction over county court decisions.



Florida's County Courts

- Florida has 67 counties and a county court in each county.
- These courts have trial level jurisdiction over less serious civil and criminal matters.



Florida

- **Florida's Supreme Court** and Appellate Court decisions are now published in the regional reporter, ***Southern Reporter (S., S.2d)***. In 1948, this regional reporter became the “official” reporter for Florida decisions.
- From 1846 – 1948, Florida's Supreme Court decisions were published in the ***Florida Reports***.
- Since 1948, West has also published ***Florida Cases*** which includes all Florida cases published in the ***Southern Reporter*** series.



- Selected **Florida trial court** decisions, appellate decisions of circuit courts, and selected opinions of Florida's administrative agencies, from 1952 through 1992, were published in the **Florida Supplement** and **Florida Supplement, Second Series**.
- In September 1992, selected Florida trial court decisions from county and circuit courts began being published in the **Florida Law Weekly Supplement**. This is published monthly and includes an index as well as a table of cases.



- An additional publication that contains decisions from Florida's Supreme Court and its appellate courts is the ***Florida Law Weekly*** which began publication in 1976. It is now available in both print and electronic formats.



Electronic Publications

- In addition, decisions from Florida's courts can be found in electronic formats. On Westlaw, decisions from Florida's appellate courts can be found in the **FL-CS** database.
- On Lexis, use the **States-Legal-US-Florida-Florida Cases** file to access decisions from Florida's appellate courts.
- These decisions can also be accessed via the Internet at the **Florida Courts** site at <http://www.flcourts.org/>.



Chief Justice:

Charles T. Wells
Supreme Court Bldg.
Tallahassee 32399-1925
(850) 921-1096

Justices of Supreme Court:

Leander J. Shaw, Jr.
Major B. Harding
Harry Lee Anstead
Barbara B. Pariente
Fred R. Lewis
Peggy A. Quince

Clerk of Supreme Court:

Thomas D. Hall
Supreme Court Bldg.
Tallahassee 32399-1927
(850) 488-0125

Court Administration:

Ken Palmer
Court Administrator
Supreme Court Bldg.
Tallahassee 32399-1900
(850) 922-5082

Governor:

Jeb Bush (R)
State Capitol, PL05
Tallahassee 32399-0001
(850) 488-2272

Home Page:

www.eog.state.fl.us

Main State Capitol:

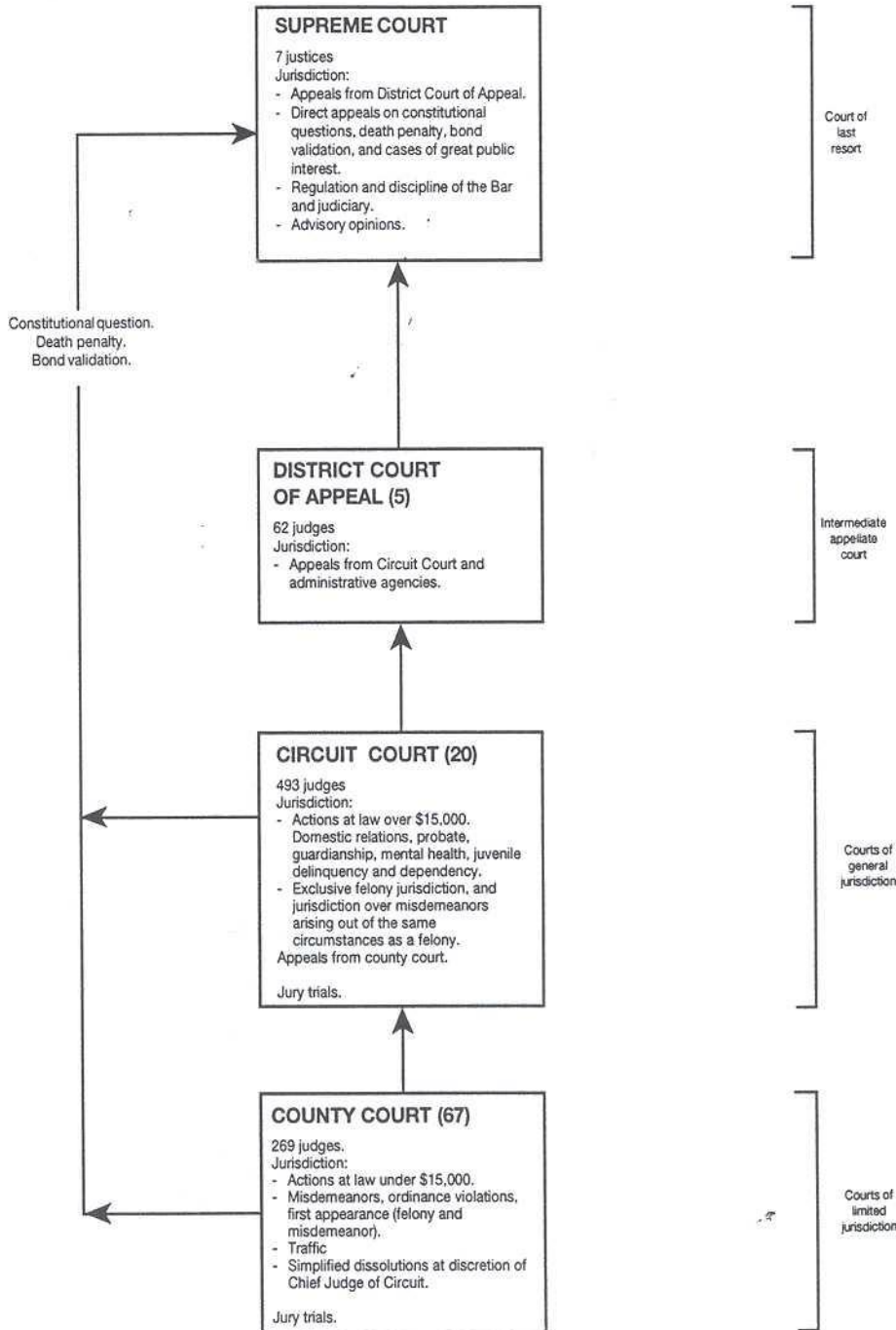
(850) 488-1234

Attorney General:

Robert A. Butterworth (D)
State Capitol, PL 01
Tallahassee 32399-1050
(850) 487-1963

Secretary of State:

Katherine Harris (R)
Dep't of State
The Capitol
Tallahassee 32399-0250
(850) 922-0234



National Reporter Series

- As mentioned previously, the ***National Reporter Series*** is published by West and has been since 1879. As a series, it manages to publish virtually all of American law from 1879 onwards via **jurisdiction** (Supreme Court, federal courts, and state courts), **geography** (state supreme court decisions in regional reporters) or **subject** specialty (bankruptcy, etc.).



National Reporter Series

- In terms of jurisdiction, the series reports federal court decisions in the:
 - *Supreme Court Reporter*;
 - *Federal Reporter*; &
 - *Federal Supplement Series*.



National Reporter Series

- Decisions from all 50 states' supreme courts are also published, via geography, in the National Reporter Series. All 50 states are divided into seven regions.
- Libraries purchase these West regional reporters of the National Reporter Series rather than the reports of the states that do publish individual state reports. Why? Expense and space.



National Reporter Series

- The seven regional reporters are:
 - *Atlantic Reporter (A., A.2d)*
 - *North Eastern Reporter (N.E., N.E.2d)*
 - *North Western Reporter (N.W., N.W.2d)*
 - *Pacific Reporter (P., P.2d, P.3d)*
 - *South Eastern Reporter (S.E., S.E.2d)*
 - *South Western Reporter (S.W., S.W.2d, S.W.3d)*
 - *Southern Reporter (S., S.2d)*



[Illustration 5-1]

MAP OF THE NATIONAL REPORTER SYSTEM*
Showing the States in each Regional Reporter Group



* The National Reporter System also includes:

- Supreme Court Reporter
- Federal Supplement
- West's Bankruptcy Reporter
- West's California Reporter
- West's Military Justice Reporter
- Federal Claims Reporter

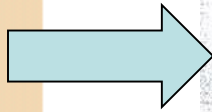
- Federal Reporter
- Federal Rules Decisions
- New York Supplement
- West's Illinois Decisions
- Veterans Appeals Reporter

National Reporter Series

- If you have only one citation to perhaps an official state reporter and need an unofficial citation to a regional reporter, you can use the following:
 - *National Reporter Blue Book* which refers the user from the official citation (i.e. state reports) to the unofficial National Reporter System Citation; or
 - *Shepard's Citations*.
 - The White Tables in the *State Blue and White Book* can be used to refer the user from the unofficial citation of the National Reporter System to the official Citation.



221 GEORGIA REPORTS



Ga. S.E.2d			Ga. S.E.2d			Ga. S.E.2d			Ga. S.E.2d			Ga. S.E.2d			Ga. S.E.2d		
Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.
1	142	841	171	143	637	339	144	524	477	145	534	614	146	636 ¹	757	147	313
2	142	849	173	143	736	343	144	528	480	145	533	616	146	640	760	147	307
4	142	845	175	143	741	345	144	514	482	145	517	617	146	723	764	147	298
9	142	778	176	144	172 ²	347	144	519	483	145	512	618	146	722 ²	765	147	322
13	142	796	181	144	172 ¹	349	144	512 ¹	484	145	483	619	146	721 ¹	769	147	326
16	142	816	181	144	83	351	144	521	486	145	518	620	146	763	773	147	310
35	142	842	190	144	103	353	144	522	487	145	541	621	146	632	775	147	315
39	142	813	206	144	90	355	144	723	495	145	497	625	146	638	778	147	324
43	142	804	215	144	101	358	144	911	498	145	507	626	146	636 ¹	779	147	329
46	142	800	217	144	76	368	144	758	501	145	487	627	146	628	783	147	297
47	142	792	223	144	82	374	144	721	505	145	563	629	146	629	789	147	317
50	142	926	225	144	80	375	145	39	510	145	546	630	146	726	796	147	305
51	142	923	227	144	115	378	145	248	514	145	549	632	146	721 ¹	799	147	508
53	142	921	229	144	96	379	144	722	516	145	554	633	146	630	804	147	424
55	142	918	237	144	446	381	144	741	518	145	556	636	146	895	809	147	427
57	142	924	240	144	345	386	144	749	521	145	691	647	146	882	811	147	445 ¹
59	143	164	257	144	370	391	144	755	527	145	539	648	146	748	812	147	447 ²
60	143	165	260	144	439	392	144	747	529	145	567	652	146	724	813	147	422
61	142	912	269	144	357	394	144	745	530	145	551	653	146	732	814	147	445 ²
65	142	909	271	144	344	396	144	764	532	145	552	656	146	906	815	147	433
69	142	915	273	144	332	398	144	769	533	145	536	661	146	745	818	147	430
73	143	386	278	144	449	402	144	775	536	145	559	665	146	782	819	147	429
76	143	183	279	144	378	406	144	740	543	145	558	673	146	753	820	147	447 ¹
77	143	174	282	144	390	408	144	765	543	145	569	677	146	778	820	147	420
80	143	170	284	144	388	412	144	735	551	145	553	680	146	737	824	147	436
82	143	474	285	144	337	418	144	753	552	145	575 ¹	687	146	772	836	147	444 ¹
97	143	176	289	144	335	421	144	772	552	146	305	691	146	769 ¹	836	147	444 ¹
108	143	171	291	144	381	424	144	726	555	146	286	692	146	728	837	147	431
110	143	167	294	144	360	436	144	756	558	146	271	697	146	780	839	147	509
113	143	166	298	144	368 ²	438	145	246	560	146	289	698	146	769 ²	841	148	172 ¹
115	143	184	299	144	369	439	145	235	567	146	275	701	146	743	841	148	310 ¹
119	143	391	299	144	384	442	145	242	572	146	316	703	146	761 ¹	846	148	310 ¹
121	143	388	307	144	339	444	145	239	574	146	283	704	146	764	847	148	326
125	143	627	307	144	389	444	145	242	574	146	283	704	146	764	848	148	308
128	143	639	307	144	339	446	145	247	579	146	279	710	146	759	851	148	303
135	143	737	312	144	363	447	145	240	584	146	304	712	146	751 ¹	853	148	316
140	143	634	318	144	367	449	145	237	586	146	288	715	146	761 ¹	858	148	319
144	143	647	319	144	368 ¹	451	145	505	587	146	313	716	146	735	859	148	294
146	143	632	319	144	372	454	145	490	591	146	299	717	146	734	861	148	298
148	143	734	327	144	358	457	145	485	597	146	303	718	146	776	863	148	328
150	143	748	329	144	739	460	145	499	597	146	308	721	146	913	866	148	305
153	143	645	329	145	243	464	145	519	601	146	296	728	146	756	870	148	329
154	143	644	331	145	504	465	145	513	603	146	273	731	146	884	872	148	324
155	143	629	332	144	529	467	145	493	606	146	310	746	146	880	875	148	300
159	143	743	335	144	516	471	145	510	609	146	294	750	146	903	878	148	320
165	143	730	337	144	512 ¹	474	145	514	613	146	635	754	146	910			
			338	144	526												



Updating Cases

- After locating your case, it is imperative that you update.
- Use the appropriate Shepard's or KeyCite citator to update your decision to determine whether it has been reversed or overruled.



Locating Cases

- Cases can be located in one of three ways:
 - citation;
 - party name;
 - or subject.
- In terms of the actual publication of case reports, remember that cases are published in chronological order rather than subject order. Thus you may have an environmental law case published next to a bankruptcy court decision which is located next to a criminal law decision.



Locating Cases

- If you do not have a citation or party name, you will need to locate a case by subject.
- To help you locate a case by subject, there are various case finding tools.
- Digests and ALRs (American Law Reports) are two of the most comprehensive and helpful case finding tools.



What is a Digest?

- A digest :
 - can be described as an annotated index;
 - briefly describing the facts and holdings of a case; &
 - listing case name and citation.
- Because a digest is a case finding tool rather than authority, it should not be cited to.



For references to other topics, see Descriptive-Word Index

U.S.C.A. § 505; 38 U.S.C.A. §§ 2021(a)(A, B), (b)(3), 2024(d, f).

Peel v. Florida Dept. of Transp., 443 F.Supp. 451, affirmed 600 F.2d 1070.

Fla. 1997. Division of veterans' disability benefits, whether through court order or settlement agreement, is preempted by federal law. *Abernethy v. Fishkin*, 699 So.2d 235.

Fla. 1943. Whether provisions of a contract involving the manufacture of materials to be used exclusively in the prosecution of the war are helpful or harmful to the prosecution of that effort is subject over which neither state officials nor state courts have any inherent jurisdiction, and the power to determine such matters must lie in the federal government where Congress has placed it.

International Ass'n of Machinists v. State ex rel. Watson, 15 So.2d 485, 153 Fla. 672.

Fla. 1939. The statute creating the Duval County Air Base Authority in aid of the federal national defense program, and declaring that the national defense is a joint responsibility of the federal and state governments, does not violate the Federal Constitution as an encroachment upon an exclusive function of the federal government. Sp.Acts 1939, c. 19784, § 1; U.S.C.A.Const. art. 1, § 8.

State ex rel. Gibbs v. Gordon, 189 So. 437, 138 Fla. 312.

⇨ 18.91. Waters and public lands.

Library references

C.J.S. States § 24.

S.D.Fla. 1993. Submerged Land Act (SLA), by itself, is insufficient to preempt state regulation of anchorage absent affirmative action by federal government. Submerged Lands Act, § 6(a), 43 U.S.C.A. § 1314(a).

Murphy v. Department of Natural Resources, 837 F.Supp. 1217, affirmed 56 F.3d 1389.

Federal government has not occupied field of anchorage through pervasive regulation, so as to preempt state regulation. Submerged Lands Act, § 6(a), 43 U.S.C.A. § 1314(a).

Murphy v. Department of Natural Resources, 837 F.Supp. 1217, affirmed 56 F.3d 1389.

public trust, of submerged land. West's F.S.A. §§ 253.67–253.71; Submerged Lands Act, §§ 3(a), 6(a), 43 U.S.C.A. §§ 1311(a), 1314(a). *Murphy v. Department of Natural Resources*, 837 F.Supp. 1217, affirmed 56 F.3d 1389.

Absent federal action, state does not encroach upon authority reserved to federal government when state grants exclusive use of water column as part of lease of submerged lands. West's F.S.A. §§ 253.67–253.71; Submerged Lands Act, §§ 3(a), 6(a), 43 U.S.C.A. §§ 1311(a), 1314(a).

Murphy v. Department of Natural Resources, 837 F.Supp. 1217, affirmed 56 F.3d 1389.

Fla.App. 4 Dist. 1998. Federal law does not preempt state law as to determinations of navigability so to deprive state circuit court of jurisdiction to determine navigability of state lake.

Harbor Beach Surf Club, Inc. v. Water Taxi of Ft. Lauderdale, Inc., 711 So.2d 1230, rehearing denied.

⇨ 18.93. Immunity of federal government or instrumentalities from state regulation.

Library references

C.J.S. States § 23.

S.D.Fla. 1997. Subpoena duces tecum issued by state Supreme Court on behalf of state bar investigative committee against federal judge violated Supremacy Clause of United States Constitution; subpoena related to case pending before judge, state Supreme Court was not co-equal branch of government, and subpoena interfered with judge's administration of justice in case before him in that his provision of testimony thereunder could have exposed him to recusal motion or finding of partiality on appeal. U.S.C.A. Const. Art. 6, cl. 2.

U.S. v. Kaufman, 980 F.Supp. 1247.

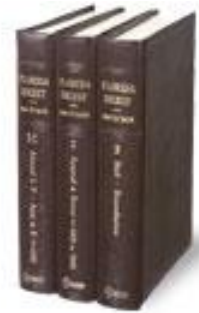
S.D.Fla. 1997. If Congress does not authorize regulation of federal instrumentalities, possibility of interference with substantive federal policy is sufficient to raise presumption of immunity from local regulation.

U.S. Postal Service v. City of Hollywood,



Types of Digests

- West publishes digests for:
 - a comprehensive national series known as the *American Digest* system which includes all West Digests;
 - federal court reporters;
 - regional and state court reporters; and
 - specialized reporters.



West's Digests

- West editors read and analyze every published decision.
- They then extract the legal and factual issues from each case and assign each case a headnote.
- The headnote is then slotted into one of 400 already existing topics and given a key number. Topics are arranged alphabetically.



West's Digests

- Since West publishes digests for state, federal, specialized and regional court reports, it ensures that the topics and key numbers are uniform. Thus if you have a topic and key number in the *Florida Digest*, you can move to the *Modern Federal Practice Digest*, using the same topic and key number. You do not need to begin your research again.



West's Digests

- How do you access a digest?
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Updating Digests

- Always check the pocket part of the digest.
- Next check the advance sheets and bound volumes of the appropriate case reporters for any further updating.



Digests

- Digests available for the U.S. Supreme Court include:
 - West's *U.S. Supreme Court Digest* is cumulative and is updated with pocket parts. Coverage begins in 1754.
 - Lexis' *Digest of United States Supreme Court Reports, Lawyer's Edition*, also cumulates and is updated with pocket parts. Again coverage begins in 1754.



Digests

- Digests for Federal Cases, Federal Supplement, and Federal Reporter Series do not cumulate. Rather there are five series and each series must be checked. Updates are with pocket parts.
- Federal Digests include:
 - *Federal Digest* (1790 - 1939)
 - *Modern Federal Practice Digest* (1939-1960)
 - *Federal Practice Digest 2d* (1961-1975)
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Digests

- There are 4 regional digests published:
 - Atlantic Digest
 - Northwestern Digest
 - Pacific Digest
 - Southeastern Digest
- West publishes digests for all states except Delaware, Nevada and Utah.
- West also publishes specialized digests such as:
 - Bankruptcy Digest
 - Military Justice Digest
 - United States Federal Claims Digest
 - Education Law Digest &
 - United States Merit Systems Protection Board Digest.



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- The American Digest System is published by West and is described by West as the “master index to all of the case law of our country.”
- The series contains the headnotes, topics and key numbers from every unit of the National Reporter System, i.e. state, federal, specialized, and regional digests.



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- The American Digest System contains the following:
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- West has continued its digest system in electronic format.
- The West digest system is available electronically exclusively on Westlaw.



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Am.Jur.2d: United States
[3. Executive Department, Offices of President and Vice President, Election; Function of Electors](#)

Bush v. Gore
531 U.S. 98, 121 S.Ct. 525
U.S.Fl.,2000.
Dec 12, 2000 (Approx. 28 pages)

The individual citizen has no federal constitutional right to vote for electors for President of the United States unless and until state legislature chooses statewide election as means to implement its power to appoint members of Electoral College. [U.S.C.A. Const. Art. 2, § 1, cl. 2.](#)

[\[2\] KeyCite Notes](#)

[144](#) Elections

- [144I](#) Right of Suffrage and Regulation Thereof in General
- [144k8](#) Statutory Provisions Conferring or Defining Right
- [144k10](#) k. Construction and Operation. [Most Cited Cases](#)

When state legislature vests right to vote for President in its people, the right to vote as legislature has prescribed is fundamental, and one source of its fundamental nature lies in the equal weight accorded to each vote and equal dignity owed to each voter. U.S.C.A. Const. Art. 2, § 1; Art. 2, cl. 2.

[\[3\] KeyCite Notes](#)

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Fla.App.4.Dist.,2004
The right to vote is fundamental; however, there is no guarantee of a perfect voting system.

H
[Perez v. Marti, 770 So.2d 176](#)
Fla.App.3.Dist.,2000

The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.

H
[Matter of Protest Election Returns and Absentee Ballots in November 4, 1997 Election for City of Miami, Fla., 707 So.2d 1170](#)
Fla.App.3.Dist.,1998
Sanctity of free and honest elections is cornerstone of true democracy.

H
[Wadhams v. Board of County Com'rs of Sarasota County, 501 So.2d 120](#)
Fla.App.2.Dist.1987

American Law Reports

- *American Law Reports (ALR)* can also be used as a case finding tool.
- Unlike West's Digests, the *ALRs* provide selective coverage rather than comprehensive coverage of American case law.
- *ALR* entries frequently include an article on a subject topic written by an expert in the field as well as annotations to the most unique cases on the subject in the U.S.



ALRs

- The *ALR* series began publication in 1919 and is now up to its sixth series. It provides coverage of state and federal cases.
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- American Law Reports are available in electronic format on both Westlaw and Lexis.



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When Does Contract Evidence Transaction Involving Interstate Commerce Within Meaning of Federal Arbitration Act (FAA)--
Service Contracts

William M. Howard, J.D., Ph.D.

The Federal Arbitration Act ([9 U.S.C.A. §§ 1 et seq.](#)) (FAA) provides, with some exceptions, for the enforcement of written agreements to arbitrate in contracts evidencing a transaction involving interstate commerce or in maritime transactions. Where an agreement to arbitrate is contained in a contract, the issue often arises of whether the contract evidences a transaction involving interstate commerce for purposes of the FAA. For example, [Legacy Wireless Services, Inc. v. Human Capital, L.L.C.](#), 314 F. Supp. 2d 1045, 11 A.L.R. Fed. 2d 877 (D. Or. 2004), a suit to compel arbitration, the court held that the contract containing the agreement to arbitrate involved interstate commerce and was thus covered by the FAA where the client developed real estate and constructed cell-phone towers in Oregon and had hired a professional employer organization to manage its human resources issues. Though both the client and the professional services provider were Oregon corporations, the court concluded

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- 2. [Appropriateness of Federal Court Abstention Under Colorado River Water Conservation District v. United States](#), 424 U.S. 800, 96 S. Ct. 1236, 47 L. Ed. 2d 483, Given the Existence of Concurrent Parallel Proceeding, Eric C. Surette, J.D., 193 A.L.R. Fed. 291, (2006)
- 3. [Construction and Application of Real Estate Settlement Procedures Act of 1974 \(12 U.S.C.A. §§ 2601 et seq.\)](#), Michael G. Walsh, J.D., 142 A.L.R. Fed. 511, (2006)
- 4. [Award of attorneys' fees in excess of \\$ 75 per hour under Equal Access to Justice Act \(EAJA\) provision \(28 U.S.C.A. § 2412\(d\)\(2\)\(a\)\(ii\) authorizing higher awards -- cases involving law other than social security law](#), Gary Knapp, M.B.A., J.D., 119 A.L.R. Fed. 1, (2006)
- 5. [Recovery of damages for infliction of emotional distress under Federal Tort Claims Act \(28 U.S.C.A. §§ 2671-2680\)](#), Gregory G. Sarno, J.D., 107 A.L.R. Fed. 309, (2006)
- 6. [Who is "party" entitled to recover attorneys' fees under Equal Access to Justice Act \(28 U.S.C.A. § 2412\(d\)\)](#), Ralph V. Seep, J.D., 107 A.L.R. Fed. 827, (2006)
- 7. [Who is "prevailing party" so as to be entitled to award of attorneys' fees by court under Equal Access to Justice Act \(28 U.S.C.A. § 2412\(d\)\)](#), Francis M. Dougherty, J.D., 105 A.L.R. Fed. 110, (2007)
- 8. [National flood insurance risks and coverage](#), Gary Knapp, M.B.A., J.D., 81 A.L.R. Fed. 416, (2006)
- 9. [Discretionary exercise of pendent jurisdiction of federal court over state claim when joined with claim arising under laws, treaties, or constitution of united states](#), 76 A.L.R. Fed. 46, (2007)

Updating ALRs

- To update the *ALR 3d, 4th, 5th, & Fed.*, use the annual pocket part supplements.
- To update the *ALR2d*, use *Later Case Service* which also has annual pocket part supplementation.
- To update the *ALR* (first series), use the *ALR Blue Book of Supplemental Decisions*.



Conclusion

- American case is essential to legal research.
- Consequently the format of case law publication (i.e. official vs. unofficial reporters & the National Reporter Series) is vital to effectively being able to research legal issues.
- Several case finding tools exist to help you locate cases. Digests and ALRs are two of the most important.



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