Overview to the Guides to Citation of Unpublished Federal Opinions and Unpublished State Court Opinions

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In teaching legal research, I've noticed that students are often confused as to the authoritative value of unpublished legal opinions. Some students freely cite unpublished opinions; others assume that they may not ever cite unpublished opinions. FRAP 32.1 provides that all unpublished federal judicial opinions issued on or after January 1, 2007 may be cited in federal courts. However, FRAP 32.1 does not address the treatment of unpublished federal opinions dated before January 1, 2007. The Federal Rules of Appellate Procedure leave it up to the 13 Circuits to regulate whether and to what extent unpublished federal opinions dated before January 1, 2007 may be cited.

I prepared the *Guide to Citation of Unpublished Federal Opinions Issued Before January 2007* to help students understand the application of FRAP 32.1 and to understand that rules concerning citation of unpublished opinions dated before January 1, 2007 vary greatly between jurisdictions. I prepared the *Guide to Citation of Unpublished State Court Opinions* to help students understand that there is neither uniform rule nor general rule concerning unpublished opinions at the state court level. This guide is intended to help students understand that they must research their jurisdiction's rules before citing unpublished opinions as legal authority. Both guides are intended to serve as a starting point for research on a specific jurisdiction's treatment of unpublished opinions. I typically hand out copies of the guides to my Insurance Law Research students early in the semester. The instructors for the Advanced Legal Research class have posted these guides on their course webpage as well.