Case Law Research

Experiential Legal Writing I
Fall 2016
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Review: Statutory Research

• Find Statutes by Using
  • Citation
  • Index
  • Table of Contents
  • Secondary Sources
  • Popular Names Table
Review: Statutory Research

• Find the Indiana law prohibiting drag racing in a highway or street
Case Law Research – Why?

• Why Case Law Research?
  • You need cases to support your argument
  • Doctrine of Precedents
    • Precedents = old cases in your jurisdiction that are similar to your case
    • Courts use precedents to rule on similar cases
Case Law Research – Binding Authorities

• Binding Authorities in Indiana
  • Indiana State Law Question
    • Indiana Supreme Court > Court of Appeals > Trial Courts
      • Need to look for Indiana Supreme Court cases on point. If none, look for Court of Appeals cases
  • Federal Law Question
    • SCOTUS > 7th Circuit > District Courts (2 in Indiana)
      • Need to look for SCOTUS cases on point. If none, look for 7th Circuit cases. If none, look for cases from your federal district court.
Case Law Research – Parts of a Case
Case Law Research – Parts of a Case
Case Law Research: Reporters

• Reporter
  • Cases are published in books known as reporters
  • Federal Cases
    • SCOTUS => United States Report (official)
      • 123 U.S. 456
    • Courts of Appeals -> Federal Reporter
      • 123 F.2d 456
    • District Courts -> Federal Supplements
      • 123 F. Supp.2d 456
  • State Cases (published in various regional and state reporters)
    • Indiana -> North Eastern Reporter
      • 123 N.E.2d 456
Case Law Research: Reporters

• In today’s legal research environment, You are more likely to use an electronic research platform (Westlaw, Lexis, etc.) to find cases.
  • Your firm may not even subscribe to print reporters anymore...

• You just need to be familiar with the reporter system for citation purposes
Case Law Research: Published vs. Unpublished

• Not all cases are published

• Unpublished cases have no binding authority
  • Can be persuasive authority if your jurisdiction’s rules say so.

• Check your jurisdiction’s rules to see if you are even allowed to use unpublished cases as persuasive authorities
Case Law Research

• Review
  • You need **binding** cases to support your argument
  • There are many components of a case. (headnotes, key numbers, actual text, etc.)
  • Unpublished cases have NO binding authority
  • Review Part 1 of the wiki ([http://elw1.pbworks.com](http://elw1.pbworks.com)) for more information.

• Where Do I Find Cases?
  • Print Reporters
  • $$$ -> Westlaw, Lexis Advance, Bloomberg Law, etc.
  • Free -> Court Websites, Google Scholar, Cornell LII, etc.
Case Law Research – Methods(1)

• How Do I Find Cases?
  • Citation (if you already know you need Case X for your memo/brief)
  • Secondary Sources (start with this if you are NOT familiar with the topic)
  • Annotated Statutes (use this if there is a relevant statute)
    • “Notes of Decision” (Westlaw)
    • “Notes to Decision” (Lexis Advance)
  • One Good Case
    • Cases cited there & Key Numbers (use these to EXPAND your research)
  • Keyword Search (Don’t start with this at this point of your legal career)
  • Citators (next class)

• Review Part 2 of the wiki (http://elw1.pbworks.com) for more information.
Case Law Research – Methods(2)

• Which Method Should I Use to Find Cases?
  • If you are NOT familiar with the topic
    • Start with a secondary source.
      • Explains the law and provides citations to cases
  • If you know there is a relevant statute
    • Use annotated statutes to find cases related to your statutes
      • A burglary case
        1. Find the burglary statute
        2. Use annotations to find related cases
Case Law Research – Methods(3)

• Which Method Should I Use to Find Cases?
  • If you already have a relevant case (because you got it from a secondary source OR your boss gave you the case OR etc.)
    • Read the case to see the cases cited in your case.
    • Use Key Number(s) to find additional cases on your topic
      • Cases with the same topic have the same key number
      • You may find similar cases that are closer to your facts
    • Use Citator to see the future cases citing your case
      • (To be covered in the next class)
Case Law Research

• In-class exercise (20 minutes)
  • Statutory Annotation
  • Secondary Source
  • Keyword Search

• Homework Assignment (Due before next class)
  • Workbook Exercises 4.2 & 4.3 (Skip 4.1)
    • 4.2 -> Key Numbers & Keyword search
    • 4.3 -> May use any method to answer the question
Case Law Research

• Homework Assignments for Next Class
  • Workbook Exercise 4.2 & 4.3
    • 4.2 -> Skip Question I-C (Page 62 – Federal Appendix)
    • 4.3 -> Indicate which problem set you use
  • Read Wiki (elw1.pbworks.com) materials for Citators
  • Read Oates 105-108
Questions?

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• Office 169 (1st floor of the library; next to the reference desk)

• My office is open unless
  • Lunch
  • Class
  • Faculty meeting