



Thomas M. Cooley Law Libraries' Research Guide Series

HOW TO FIND A CASE: A Selective Research Guide

- | | |
|-------------------------|--------------------------|
| I. How to Find a Case | II. General Resources |
| III. Michigan Resources | IV. Electronic Resources |
| V. Databases | VI. Internet Resources |

Overview:

This research guide is an instructional “how to” on locating both Michigan and federal case law. This guide discusses how to find valid case law in a variety of sources as well as provide a selective list of general legal research resources available at the Cooley libraries. It also outlines various databases and internet resources in order to identify useful case law online.

I. HOW TO FIND A CASE

A. What is case law?

It is helpful for the legal researcher to first understand, “What is case law?” Case law, often used interchangeably with “opinion” or “decision,” is the written decree of a judge. Published opinions can be found in reporters. As a general rule, only appellate court decisions are published in reporters; meaning, if a case only went as far as the trial court then it will not be found in a reporter.

B. Digests

Digests are an excellent finding aid for locating the cases in reporters that are on point. A case that is on point best reflects the case being researched and the issues that case encompasses. Digests are particularly useful for the reason that reporters are not indexed. Arranged alphabetically by broad subject areas which are further divided into more specific areas, the digest organizes abstracts, or summaries of cases, by topic and key number rather than by page number. An invention of West Publishing, topics and key numbers allow researchers to find a particular topic, identify the key number West has assigned to that topic and then use that combination to find additional cases in other digests published by West. The researcher can continue looking for case law in other jurisdictions.

It is important to note that each jurisdiction has its own digests. For state case law in Michigan, *West's Michigan Digest* directs an individual towards pertinent cases in the State of Michigan. *Callaghan's Michigan Digest* also leads the researcher to cases in the State of Michigan. However, this title is published by LexisNexis and does not employ the system of topics and key numbers.



For legal research that encompasses all jurisdictions, the decennial digests are the place to start. The decennial digests are called such because they were grouped together in ten year periods, however, this set has grown at such an incredible rate that the most current volumes have been broken down into five-year periods.

C. American Law Reports (A.L.R.)

If starting the legal research process in the digests does not lead directly to conclusive opinions in the reporters, there are other resources worth exploring. *American Law Reports* (A.L.R.) annotations are also a strong finding aid for identifying cases on point. A.L.R. collects leading cases on particular topics, provides editorial commentary and narrative, and then groups together other cases with similar facts and holdings. The detailed summaries provided on the cases help researchers recognize whether or not the case being mentioned resembles their own. Using the *A.L.R. Index* offers researchers the basic tool for subject access.

D. Citators

Along with digests and A.L.R. annotations, citators such as *Shepard's* (a product of LexisNexis) and KeyCite (an online product of Westlaw) also corroborates research that has already been done and confirms that certain cases are still "good law." *Shepard's* and KeyCite specify if the case being researched has been overruled or discredited in any way, indicating whether or not it is still "good law." Both citators list research leading to later cited cases, aiding researchers to find other related cases. It is important to note that neither *Shepard's* nor KeyCite provide the analysis and editorial commentary offered by A.L.R. annotations.

Although print *Shepard's* is available, many take advantage of the online functionality associated with *Shepard's* and KeyCite. A collection of visual indicators alert the researcher immediately to the case's validity. A legend or explanation of the visual indicator is always provided in order for the user to fully understand how that case's judicial history may have changed.

E. Reports and Reporters

As mentioned earlier, the reporters hold the published opinions of the judge, e.g case law. State and federal cases are published in various reporter sets. It is also important to note that there are official and unofficial reporters. Generally speaking, official reporters are published by the state itself and unofficial reporters are published by a company such as West, however, there are exceptions to this rule. Unofficial reporters also provide editorial comment.

Michigan case law is published in the *Michigan Reports* and the *Michigan Appeals Reports*, the two official reporters for Michigan. The *North Western Reporter*, one of seven regional reporters, is the unofficial reporter. The regional reporters divide the country and the state's corresponding case law into regions. Other regional reporters include the *Pacific Reporter* (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming), *South Western Reporter*



(Arkansas, Kentucky, Missouri, Tennessee, and Texas), *North Eastern Reporter* (Illinois, Indiana, Massachusetts, New York, and Ohio), *Atlantic Reporter* (Connecticut, Delaware, District of Columbia, Maine, Maryland, New Hampshire, New Jersey, Rhode Island and Vermont), *South Eastern Reporter* (Georgia, North Carolina, South Carolina, Virginia and West Virginia) and the *Southern Reporter* (Alabama, Florida, Louisiana and Mississippi).

Reporters for the federal system do not use regional reporters; however, some still distinguish the difference between official and unofficial reporters. For example, opinions from the United States Supreme Court are published in the *United States Reports* (official), *West's Supreme Court Reporter* (unofficial), and *United States Reports, Lawyers Edition* (unofficial). As the unofficial reporters, *West's Supreme Court Reporter* and *United States Reports, Lawyer's Edition* offer editorial commentary while *Lawyer's Edition* also contains briefs written by attorneys. Opinions of the U.S. Courts of Appeals are published in the *Federal Reporter* (unofficial) only. The situation is the same for the opinions of the U.S. District Courts which are selectively published in the *Federal Supplement*.

There are also federal subject reporters that report the opinions on a particular subject. *West's Bankruptcy Reporter* and *Callaghan's U.C.C. Reporter* are examples of subject reporters.

Resources ranging from digests to *American Law Reports* to citators can aid legal researchers in locating cases that are on point. Understanding the role of each of these sources in the research process will enable users to find those cases and opinions that are useful and considered good law in the eyes of the court, therefore, making their case even stronger.

II. GENERAL RESOURCES

American Law Reports

Location: beginning at [KF132 .A47](#)

Shepard's

Location: beginning at [KF101.2 .S54](#)

West's Atlantic Reporter

Location: [KF135 .A7 A812](#)

West's North Eastern Reporter

Location: [KF135 .N6 N63](#)

West's North Western Reporter

Location: [KF135 .N7 N62](#)

West's Pacific Reporter

Location: [KF135 .P2 P33](#)

West's South Eastern Reporter

Location: [KF135 .S6 S612](#)



West's South Western Reporter
Location: [KF135 .S7 S612](#)

West's Southern Reporter
Location: [KF135 .S8 S612](#)

United States Reports
Location: [KF101 .A213](#)

United States Reports, Lawyer's Edition
Location: [KF101 .A313](#)

West's Supreme Court Reporter
Location: [KF101 .A322](#)

West's Federal Reporter
Location: [KF105 .F42](#)

Federal Supplement
Location: [KF120 .F42](#)

West's Bankruptcy Reporter
Location: [KF1515 .A2 W47](#)

Callaghan's Uniform Commercial Code (U.C.C.) Reporting Service
Location: [KF885 .A45 1986](#)

Legal Research Explained by Deborah E. Bouchoux
Location: [KF240 .B683 2008](#)

The author takes an integrated approach to explaining legal research in that she not only provides background information by including sections on the importance of legal research and the ethical duty to research accurately, but she also dedicates time to explaining when to stop and how many authorities are enough.

Basic Legal Research: Tools and Strategies by Amy E. Sloan
Location: [KF240 .S66 2006](#)

More comprehensive than "Legal Research: In a Nutshell," this source will walk the user through each step of conducting legal research. This title also provides screen shots from sources such as the U.S.C.A., Shepard's, and Restatement of the Law.

Legal Research: In a Nutshell by Morris L. Cohen
Location: [KF240 .C54 2010](#)

This title in the popular "Nutshell" series serves as an excellent starting point for introducing the legal research process. Its twelve chapters cover the basics such as case law research, topical research sources, and reference resources.



Legal Research Methods by Michael D. Murraby

Location: [KF240 .M872 2006](#)

A fairly slim text on the subject of legal research, this title does cover such details as the elements of reported opinions, the West digest series, “trying to find other cases using ‘one good case’ with Shepard’s” and strategies for research and determining when you are finished.

Legal Research by William H. Putman

Location: [KF240 .P88 2006](#)

Published by West Legal Studies, time is still given to cover Shepard’s in equal amount as KeyCite online. Chapter 5, Case Law—Research and Briefing, may be a good place to start for the beginning researcher.

III. MICHIGAN RESOURCES

West’s Michigan Digest

Location: [KFM4257 .W47](#)

Callaghan’s Michigan Digest

Location: [KFM4257 .C34](#)

Michigan Reports

Location: [KFM4245 .A3](#)

Michigan Appeals Reports

Location: [KFM4248 .A2](#)

Michigan Legal Research by Pamela Lysaght

Location: [KFM4275 .L97 2006](#)

Chapters include an explanation of the legal research process in Michigan and of the state’s judicial opinions. Sections on administrative law, legislative history and secondary sources round out the book’s information.

IV. ELECTRONIC RESOURCES

Legal Research Made Easy by Suzan Herskowitz (eBook)

Location: [KF240 .S56 2005eb](#)

Chapter 4, “Researching Case Law” will effectively guide the researcher through using reporters, identifying precedent, and how to use topic and key numbers to find additional cases that are on-point.

The Virtual Chase: legal research on the Internet

Location: **World Wide Web Internet Link;** [KF240 .V57i](#)

Hosted by the law firm Ballard Spahr Andrews and Ingersoll LLP, this web site hosts a variety of information on conducting legal research. Aimed at the legal professional, this site also provides the law student with valuable links to internet research presentations and a host of in-depth research guides.



Michigan Law by Institute of Continuing Legal Education

Location: World Wide Web Internet Link; [KFM 4247 . M53i](#)

Available from ICLE, Michigan Supreme Court opinions and orders are available, as well as Michigan Court of Appeals opinions. Opinions and orders can be searched by keyword, party name or practice area. It also includes links to key Michigan law websites.

V. DATABASES

Lexis Databases

[Federal and State Cases, Combined](#)

[Federal Court Cases, Combined](#)

[Federal Court Cases Within 2 Years, Combined](#)

[Federal & State Court Cases - After 1944, Combined](#)

[Federal Courts Cases Before 1945, Combined](#)

[Most Recent Year Federal & State Court Cases, Combined](#)

[State Court Cases, Combined](#)

[U.S. Supreme Court Cases, Lawyer's Edition](#)

[U.S. Bankruptcy Cases](#)

[Federal Court Tax Cases](#)

[U.S. Supreme Court Briefs](#)

[Michigan Federal & State Cases, Combined](#)

Westlaw Databases

Michigan Cases ([mi-cs](#))

Federal Case Law ([allfeds](#), [allfeds-old](#)),

Federal and State Case Law ([allcases](#), [allcases-old](#))

Federal Bankruptcy Cases ([fbkr-cs](#))

Federal Tax Court ([ftx-tct](#))

U.S. Supreme Court Cases ([sct](#), [sct-old](#)).

Loislaw

www.loislaw.com

The "Find a Case" feature of LoisLaw is convenient and efficient, and it employs Boolean search logic. LoisLaw also provides comprehensive, up-to-date statutes and primary law for all fifty states and federal jurisdictions.

VI. INTERNET RESOURCES

Cornell's Legal Information Institute

www.law.cornell.edu

Founded in 1992 and maintained by the Cornell University Law School, the Legal Information Institute (LII) provides links Supreme Court decisions which are searchable and can be found by topic, author, or party.



Findlaw

www.findlaw.com/

This site, maintained by Thomson Reuters, provides information about state laws and codes free of charge.

GPO Access

www.gpoaccess.gov/index.html

Made available by the Government Printing Office, this site offers links to Legislative Resources, Executive Resources, and Judicial Resources. At the date of publication of this research guide, GPO Access is in the process of migrating to a new website, the Federal Digital System or FDsys, that will be even more comprehensive in nature. GPO Access will remain active until the migration to FDsys is complete.

lexisONE

<http://www.lexisnexis.com/community/portal/content/lexisonelandingpage.aspx>

lexisONE, a website offered by LexisNexis, allows searches of case law free of charge. Clicking on “Free Case Law Search” takes the researcher to the appropriate page.

Michigan Courts

www.courts.michigan.gov/

The website for the Michigan Legislature is a useful place for numerous legal research sources. Both published and unpublished opinions can be reviewed through one of three search methods: docket number, field search, and text search.

State Bar of Michigan

<http://www.michbar.org/opinions/opinionsearch.cfm>

Various court opinions are available on the State Bar of Michigan’s website. Searches can be narrowed by the month the decision was published. A search under the litigant’s name for each court can be conducted.

