



Thomas M. Cooley Law Libraries' Research Guide Series

UNPUBLISHED OPINIONS OF THE COURT: A Selective Research Guide

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Overview:

This research guide is an instructional “how to” on locating unpublished opinions of the Michigan and federal courts. The guide discusses how to find unpublished opinions in a variety of sources. It also outlines various useful databases and internet resources available in order to identify unpublished opinions of the courts.

I. HOW TO FIND UNPUBLISHED OPINIONS OF THE COURT

When legal researchers or officers of the court refer to unpublished opinions, they’re talking about judicial opinions that have not been published in an official reporter. The terms “unreported decisions,” “unpublished decisions” and “unreported opinions” may be used interchangeably when referring to unpublished opinions of the court.

Despite the terminology used when referring to unpublished opinions, one aspect that must be considered is precedential weight. In the eyes of the court, unpublished opinions are not binding and are not intended to be used as precedent. They are intended to give both parties a concise explanation of why the court decided as it did. For more information on the debate surrounding unpublished opinions and precedential weight, please see: *Anastasoff v. United States* 223 F3d 898 and *Precedential Effect of Unpublished Opinions* 2000 ALR5th 17.

Unpublished opinions, though difficult to locate, are available to the public; for they are still public documents. Various looseleaf services such as BNA, Andrews or Mealey’s include unpublished opinions as they pertain to the specific topics covered by that publication. These publications, however, do not provide the actual unpublished opinion in its entirety. An abstract or article about the opinion will be supplied along with information on how to obtain the definite unpublished opinion—often through a fee-based document delivery service offered by the publication.

In the fall of 2001, West Publishing Company started providing unpublished opinions, complete with headnotes, topics, and key numbers, in a bound set known as the *Federal Appendix*. The *Federal Appendix* offers unpublished opinions from the United States courts of appeals that are not included in the *Federal Reporter*.



Michigan and federal unpublished opinions may also be found on Lexis and Westlaw. Often these opinions are found with those opinions marked for publication by the court combined in the same databases. Westlaw does provide two separate databases that provide direct access to unpublished opinions from those courts: U.S. District Courts Unreported Cases and U.S. Courts of Appeals Cases.

The newspaper *Michigan Lawyer's Weekly* is also a resource available to the legal researcher when looking for unpublished opinions from the Michigan Court of Appeals. Current unpublished opinions are available weekly in the print and online version of the newspaper.

The website for the Michigan Court of Appeals (see URL below) may also provide the user with the sought-after unpublished opinion. Unpublished opinions may be searched back to July 1996 and located by doing a search using a variety of fields, e.g. dates, party name, opinion author, etc.

Unpublished opinions are a difficult part of legal research, however, if armed with an adequate understanding on how they may be used and where they may be located—researchers should have no problem locating exactly what they need.

II. GENERAL RESOURCES

The United States Law Week—Supreme Court Sections, Bureau of National Affairs

Location: [KF101 .A6 U5](#)

The Bureau of National Affairs (BNA) is a looseleaf service in newsletter format. The “Supreme Court Sections” binder of this looseleaf service provides weekly updates to opinions of the U.S. Supreme Court before they have been formally revised and published in the *United States Reports*. One to two opinions are covered each week in this publication by BNA.

West's Federal Appendix: Cases Argued and Determined in the United States courts of appeals

Location: [KF110 .W47](#)

As mentioned earlier, this publication contains unpublished opinions from 2001 to date.

III. MICHIGAN RESOURCES

Michigan Lawyer's Weekly (newspaper)

Location: [K13 .I353](#)

The print version of this popular Michigan resource allows users to search under the section “The Week's Opinions” for unpublished opinions of the Michigan Court of Appeals. The court sections the opinion under the type of law affected, e.g. administrative law, criminal law, civil rights, employment, etc.

IV. DATABASES

Lexis

www.lexis.com



Lexis.com is a subscription site provided by LexisNexis. All unpublished opinions on lexis.com are kept with the published opinions except in the state of California. Researchers looking for Michigan unpublished opinions should search the Federal and State Cases databases for Michigan.

Westlaw

www.westlaw.com

Maintained by West, westlaw.com is also a subscription site. Useful databases within westlaw.com:

U.S. District Courts Unreported Cases ([dctu](#))

U.S. Courts of Appeals Cases ([ctau](#)).

Although there are only two, they cover all federal jurisdictions. Michigan unpublished opinions are included with Michigan published opinions in the [mi-cs](#) database.

V. INTERNET RESOURCES

Michigan Lawyer's Weekly

www.milawyersweekly.com

On the *Michigan Lawyer's Weekly* website, unpublished opinions from the Michigan Court of Appeals are readily available and can be searched in two ways. The most recent opinions are listed, hyperlinked, and can be viewed using Adobe Acrobat.

Michigan Court of Appeals

<http://courtofappeals.mijud.net/resources/opinions.htm>

The search page of the Michigan Court of Appeals and Michigan Supreme Court will allow users to search Court of Appeals unpublished opinions released since July 1996. The opinions are displayed in Adobe Acrobat PDF format. A field search of unpublished opinions allows users to specify by a range of dates, party name, opinion author, panel member, case type and lower court in order to locate the opinion they wish. A text search can also be run by typing in keywords or phrases and choosing to include unpublished opinions in the search results.

State Bar of Michigan

www.michbar.org

In collaboration with ICLE, the State Bar of Michigan provides bar members in good standing an additional resource to access opinions of the court. Clicking on "Opinions, Research and Links" leads the user to a page where a variety of court opinions can be located; specifically, Michigan Court of Appeals as well as the Michigan Supreme Court opinions from 1942 to the present.

