



Thomas M. Cooley Law Libraries' Research Guide Series

United States Supreme Court Opinions

The Supreme Court of the United States is the last resort in any federal dispute and has the final word on federal issues raised in state courts. In most cases the court has the discretion to decline to review lower court decisions, so most petitions for certiorari are denied. Only a small percentage of cases appealed to the Supreme Court are accepted for consideration. If a state statute is found unconstitutional by a federal court or a federal statute is held invalid by a state court, the parties have the right to appeal to the Supreme Court. The Supreme Court has original jurisdiction in controversies between states. 28 USC § 1251-1259.

The Court typically writes opinions for fewer than 150 cases each year. These opinions are available in a variety of formats, including three permanent bound reporters; two looseleaf services; Lexis, Westlaw and the internet.

Early Court decisions were compiled by individuals and are known as "nominative" reporters. The first ninety volumes of the *United States Reports* are still cited by name of the individual reporter. The nominative reporters ended as a result of the decision in *Wheaton v. Peters*, 33 U.S. (8 Pet.) 591 (1834), in which the Supreme Court decided that the reporter held no copyright in the text of the decisions. The *United States Reports* then became the official reports of the United States Supreme Court. The ***United States Reports* (KF101.A213)** are abbreviated in citations as "U.S."

The Supreme Court's term runs from October to July. During that time the court issues its decisions in those cases which it has accepted for consideration. The decisions appear first in individual pamphlets called slip opinions. This is followed by an official advance sheet which is called the "preliminary print." The preliminary print is a paperback book containing several opinions. Finally, the bound *United States Reports* volume appears.

The official court reporter drafts a syllabus which proceeds the text of the decision, summarizes the case, and indicates the Court's holding. The *United States Reports* are considered an accurate, well-indexed compilation of the official text of the Supreme Court decisions. The chief problem with this set is that the advance sheets and bound volumes do not arrive at the library in a timely fashion. There is a one to two year time lag between the announcement of a decision and its appearance in the preliminary print, and another year before the decision is included in a bound volume. Because researchers need a more timely publication, commercial publishers have created unofficial reporters which arrive much more quickly than the official reports.

Two permanent commercial sets are published sooner than the official reports and also include special editorial features of use to the legal researcher.

***United States Supreme Court Reports, Lawyers' Edition* (KF101.A313)** published by LexisNexis is commonly referred to as *Lawyers' Edition* and cited as "L.Ed." The first edition of the set stopped after reaching one hundred volumes. The second series, know as *Lawyers' Edition 2d* (cited as L.Ed.2d) began in 1956 and continues today.



The advance sheets present decisions within weeks of a ruling. In addition to printing the official reporter's syllabus and the opinion, the publishers prepare a summary of each case and their own headnotes. They also provide cross-references to treatments of the subject matter of the case in other LexisNexis publications. Each headnote is assigned a topic and section number.

The headnotes are then reprinted, arranged by topic alphabetically in the companion set to the reports, ***United States Supreme Court Digest, Lawyer's Edition (KF101.1.D5)***. The digest allows a researcher to retrieve other cases in the same subject area. A table in each advance sheet and volume of *Lawyers' Edition* lists the digest topics and numbers appearing in that volume.

The bound volumes of *Lawyers' Edition* provide short summaries of the briefs of counsel. These summaries allow a researcher to study the line of argument presented by each party. Additionally, the editors prepare annotations on a few of the more important cases in each volume. These annotations analyze one or more points of law covered in the case and present other primary authorities on the same topic. The annotations are supplemented and updated. Each volume also includes a table of cases reported, an index, a table of cross-references from official *United States Reports* citations, and a table of federal laws cited or construed in the volume.

West publishes the ***Supreme Court Reporter (KF101.A322)***, which is cited as "S.Ct." West publishes one numbered volume of the *Supreme Court Reporter* each year. However, one volume may actually be contained in two or more bound books.

The *Supreme Court Reporter* publishes advance sheets within weeks of the announcement of decisions. The set includes tables of cases reported in each advance sheet and volume. It also includes a table of words and phrases judicially defined. West prepares a summary, called a synopsis, and headnotes for each case.

The West headnotes refer to West's topic and key number system. Each headnote is assigned a general topic and a numbered subdivision within the topic, called a key number.

Subject access to the headnotes is provided in the ***United States Supreme Court Digest (KF101.1.U55)***, a companion set to the reporter. The topic and key number classification system is used throughout West's National Reporter System. The point of law which is discussed in a Supreme Court case can be researched in all reported federal and state court cases by using the relevant West digest. See the Reference Librarian for help in locating other West digests.

A useful feature of both commercial reporters is the inclusion in the final bound volumes of cross-references to the location of the same decision in the competing reporter and in the *United States Reports*. These are known as parallel citations.

The commercial publications include "star paging" which indicates the beginnings of pages in the official edition. The researcher can use the commercial publication but provide pinpoint citations to the official reporter.

It takes several weeks for the editors of *Lawyers' Edition* or the *Supreme Court Reporter* to prepare summaries and headnotes for each case. To provide speedier access to Supreme Court opinions, two publishers provide the text of decisions within a week of announcement of the decision. The ***United States Law Week (KF101.A6 U5)*** is a two-volume looseleaf service which is updated weekly. Beside printing the slip opinion text, there are also separate sections on Supreme Court Proceedings which list and summarize new docketed cases, news of developments in cases on the calendar and reports on oral arguments. The service includes subject, case name, and docket number indexes. One volume called "General Law Section," contains news and abstracts of important opinions from



other federal courts and state courts and brief reports on legislative and administrative developments.

Both Lexis and Westlaw provide Supreme Court decisions on-line within hours of announcement of the decision.

The internet is a good source for recent Supreme Court opinions. These sites provide the text of the court's opinion but not the enhancements provided by the print publishers or online services. The following list is not comprehensive, but presents a few of the sites popular with the legal community:

Legal Information Institute (Cornell)

<http://www.law.cornell.edu/>

United States Supreme Court

<http://www.supremecourtus.gov/>

