

Lexis+ Run New Search Client: None Folders History Help

Results for: day care center liability for injured child

Select Category: Cases 799

Search within results

Court Timeline Published Status Sources Practice Area & Topics Attorney Law Firm Most Cited Keyword Judge Publisher

1  **Nationwide Affnity Ins. Co. v. Gillham**  
United States District Court for the Northern District of Illinois | May 31, 2011 | 2011 U.S. Dist. LEXIS 61625

... a **child** being transported in a station wagon operated by a **day-care center** was **injured** when a passenger door opened and she fell from the moving vehicle. Id. at 47 . The parents of the **injured child** sued the **day-care center**, alleging in two counts that its failure to provide sufficient and adequate supervision of the **children** , and its failure to operate and maintain the station wagon ...

... At the time of the occurrence, a policy issued to the **day-care center** excluded "bodily injury arising out of the ownership, maintenance, operation [or] ... USF & G ). In USF & G , a **child** being transported in a station wagon operated by a **day-care center** was **injured** when a passenger door opened and she fell from the moving vehicle. Id. at 47 . The parents of the **injured child** sued the **day-care center** , alleging in two counts that ...

2  **United States Fidelity & Guaranty Co. v. State Farm Mut. Auto. Ins. Co.**  
Appellate Court of Illinois, First District, Third Division | Jan 21, 1987 | 152 Ill. App. 3d 46

**OVERVIEW:** Although injury due to day care center employee's operation of car was excluded from Insureds' coverage, verdict also found that failure to adequately supervise was a proximate cause of injuries. Insurer's policy therefore covered child's injury.

... Although injury due to **day care center** employee's operation of car was excluded from insureds' coverage, verdict also ...

... supervise was a proximate cause of injuries. Insurer's policy therefore covered **child's** injury. The insurer issued a policy to the **day care center** and its owner. The **injured child** attended the **day care center** . She fell out of a car the employee was driving. ...

... settled the case. The jury returned a general verdict against the **day care center** , the owner, and the employee. The insurer sought declaratory relief, ...

... trial court's declaratory judgment declaring the insurer's policy issued to the **day care center** and the owner provided coverage for the injuries sustained by the **injured child**....

... which declared an insurance policy issued by the insurer to defendants, **day care center** and owner, provided coverage for injuries sustained by

## § 8.3

## Researching Case Law

*Interactive Study*

Case law is one of the most powerful forms of authority because it applies law (other cases, statutes, regulations, etc.) to an actual set of facts. In addition, within the case the paralegal will find references to other authority that can expand the research effort.

*Reports* and *reporters* are the major publications that contain case law. As a general (but not universal) rule, *reports* are official publications (published by the government), and *reporters* are unofficial publications (published by a private company, usually *West Publishing*).

When researching for cases in reports or reporters in the law library, it is not as simple as going straight to that set of books. This is because reports and reporters do not have indexes. Instead, *West Publishing* has created corresponding books called *Digests*. *Digests* have two critical attributes:

- *Digests collect case headnotes in topical order*
- *Digests act as an index to cases*

With the advent of online research, the need for digests has greatly diminished. While most law library

publications have corresponding versions on *Westlaw* and *Lexis*, digests do not. After all, digests act as an index to reporters, but the search query takes the place of an index, or a digest.

### Key Number System

*West Publishing* has also created an organizational structure called the *Key Number System*. When *West* publishes a court opinion in a reporter, it adds research tools, such as headnotes. Each headnote is assigned at least one relevant key topic and key number. The headnote is then published both in the opinion and in its corresponding digest volumes. For instance, a case in the *Pacific Reporter* from Hawaii deals with the topic of lack of consideration within contracts. *West Publishing* will assign that specific topic the *Key Number* of *Contracts 49(3)*. The headnote will then be published in the *Hawaii Digest* and the *Pacific Digest* under the topic of *Contracts, Key Number 49(3)*, along with all the other headnotes from cases dealing with lack of consideration. Thus, once a *Key Number* (which includes a topic and a number) relevant to your research project is identified, this system allows the researcher to quickly expand or focus his or her search. If, as in the above example, the case originally found was from Hawaii, the researcher can use the same *Key Number* [*Contracts Key Number 49(3)*] to research within a local digest, such as the *New York Digest*, *Texas Digest*, *Southern Digest*, or any other *Digest* published by *West*. *Westlaw* also allows the researcher to use *Key Numbers* for online research.

### Westlaw

1. Select your *filter*, or enter your state abbreviation and “-CS” (Example: TX-CS)
2. Click on the desired link in the box that appears beneath the text box
3. Type your Search Query into the text box and click *Search*
4. In the *Results Page*, select any case title links that appear relevant
5. If a relevant case has been found, review the *KeyCite* bar to validate the case (making sure there is no negative treatment or history)
6. Download, email, or print any relevant cases

### Lexis

1. Click the *Categories button* at the right of the *Search Query Text Box*, then select the *Cases* option.
2. Click the *Jurisdictions* drop-down menu and select any *state* or *federal jurisdictions*
3. Enter your *Search Query* and press *Search*
4. In the *Results Page*, view any relevant cases by clicking on the title
5. Refer to the *Shepard’s* box to the right of the caption to validate
6. If any relevant cases are found, have them delivered by printing, download, or email

### Law Library

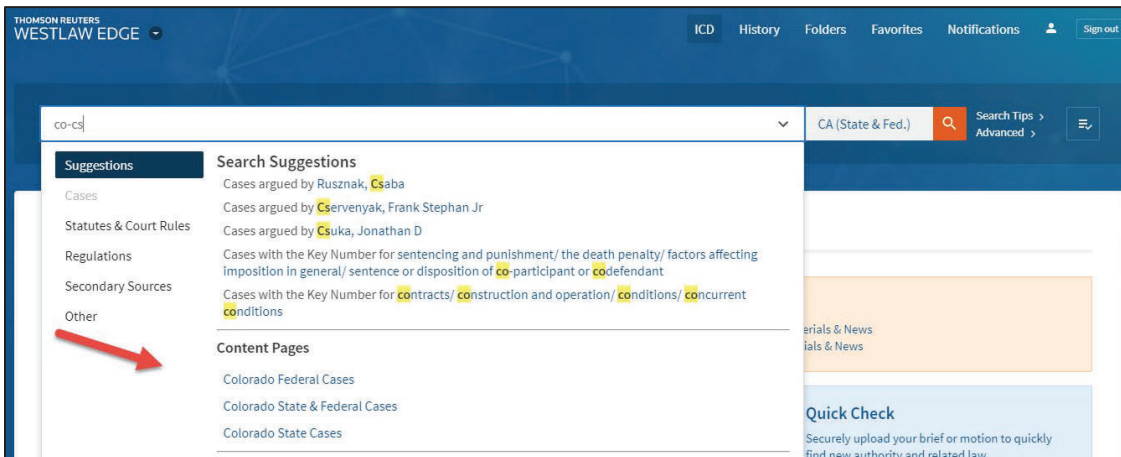
1. Determine the *reporter* or *jurisdiction* in which you want to search
2. Locate the corresponding *Digest*, i.e., the *S.E. Digest* for *S.E. Reporter*
3. Research in the *Digest index*, which provides *Key Topics & Numbers*
4. Using the *Key Topic and Number*, access the *Main Volumes*
5. In *Main Volume*, read the headnotes which provide citations to cases

**ASSIGNMENT 8.3(A) | RESEARCHING CASE LAW USING WESTLAW**

If the paralegal is researching in the law library searching specifically for case law, the choice is fairly straight forward. Start in a local set of *West Digests* (which acts as an index to the reporters). Alternately, when researching on *Westlaw*, the research method depends on whether a paralegal is starting from scratch, or whether the researcher is already in possession of a relevant *Key Number*. For this discussion, we will start from scratch. Later we will use the *Key Number System* to focus our research.

1. *Select your Filters*

If you know the name or cite of a case, type it in the *Search Query Text Box* and click *Search*. Otherwise, select one or more filters, or enter a short-cut, as described below, in the search box. To locate a specific state database, in the *Search Query Text Box* type the two-letter postal code, followed by a hyphen and the letters *cs*.



Click on the desired recommendation that appears below the box.

**§ 8.3(a) Example 1 | State Case Law Databases**

|       |       |       |       |
|-------|-------|-------|-------|
| ak-cs | ca-cs | co-cs | dc-cs |
| fl-cs | il-cs | nc-cs | md-cs |
| nv-cs | ny-cs | pa-cs | tx-cs |
| tn-cs | va-cs | wa-cs | wv-cs |

For federal courts, the system is just as simple. Use the initials *cir* (or *cta*) and the number of the desired circuit. The search results will include both trial court and appellate court cases from within that circuit.

**§ 8.3(a) Example 2 | Case Law Databases from Federal Circuits**

|      |       |       |       |    |      |       |       |       |
|------|-------|-------|-------|----|------|-------|-------|-------|
| cir1 | cir2  | cir3  | cir4  | or | cta1 | cta2  | cta3  | cta4  |
| cir5 | cir6  | cir7  | cir8  |    | cta5 | cta6  | cta7  | cta8  |
| cir9 | cir10 | cir11 | cir12 |    | cta9 | cta10 | cta11 | ctadc |

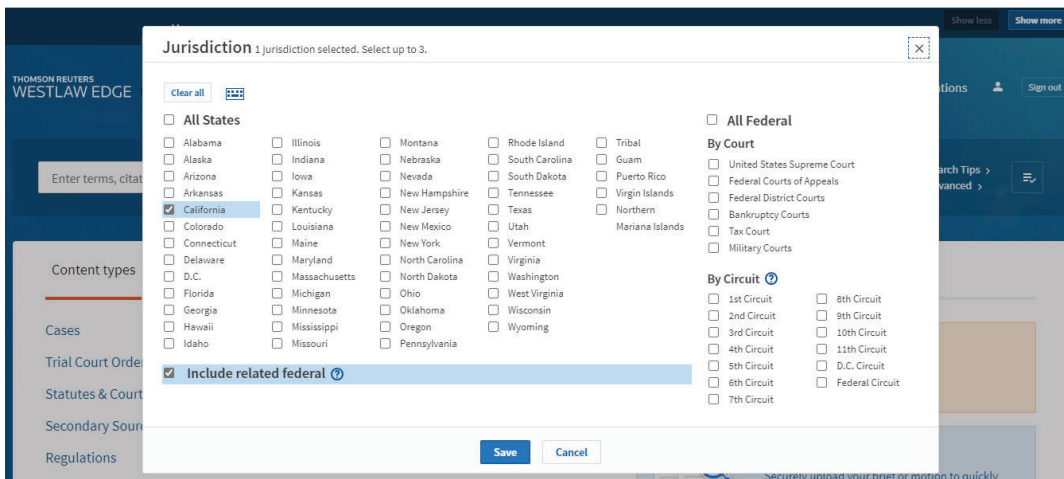
There are also four catch-all databases that search for all federal cases, all U.S. Supreme Court cases, all federal circuit cases, or all state cases.

§ 8.3(a) Example 3 | Broad Case Law Databases

|           |   |
|-----------|---|
| allstates | Cases from all U.S. states                                |
| allfeds   | All federal cases, including District, Circuit, & Supreme |
| cta       | Cases from all U.S. Circuits                              |
| sct       | U.S. Supreme Court cases                                  |

To reiterate, try entering your state database, and click *Search*.

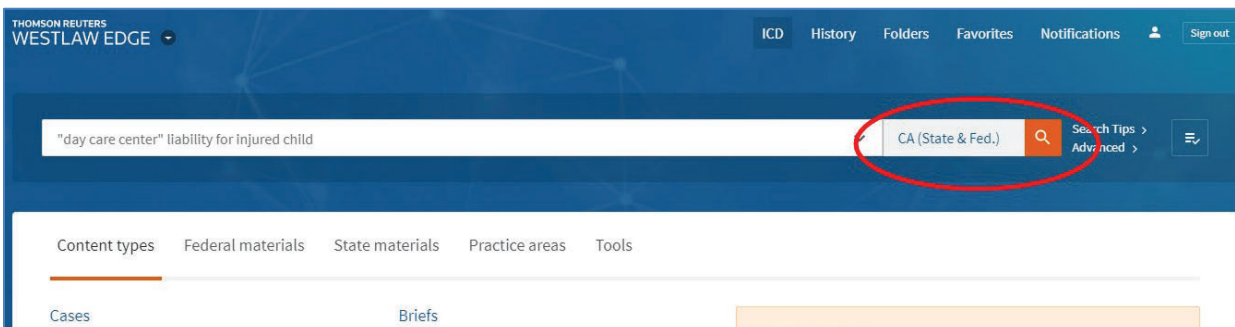
The more traditional option is to simply click the *Filters* menu at the top right and select any jurisdictions that are relevant to your client’s case.



After selecting any desired jurisdictions, click Save. Your search will now focus on only those jurisdictions that have been chosen as filters. (Remember, a filter is a database.)

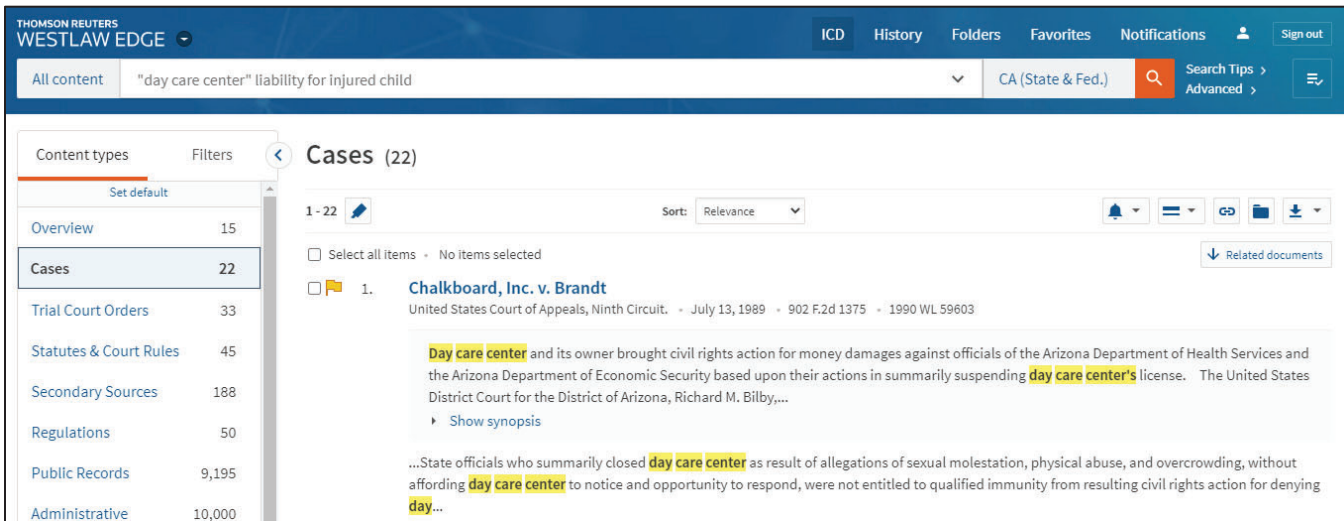
*Enter your search query*

After you have set your filter, enter your search query and click *Search*



Select a case from the search results

The *Results Page* will present cases by what *Westlaw* assumes to be most relevant. You will need to check the summaries following the title link to determine for yourself which results are most worthy of your attention.



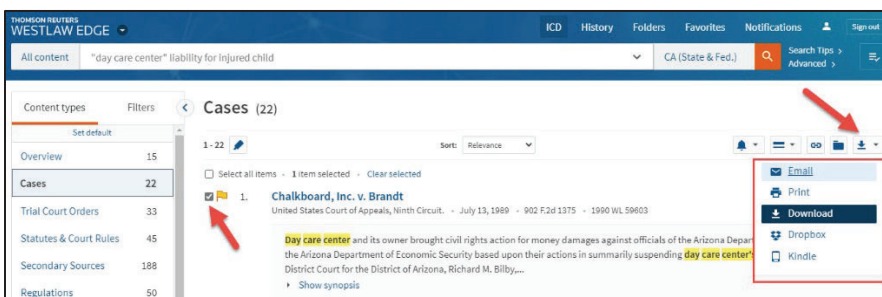
Note that the terms from your search query are highlighted. You can either click on the title to the case, which is also a link, and be taken to the beginning of the case, or you can click on one of your highlighted terms to be taken to the point within that case where the term is located.

Review relevant cases

Click on the title link to view any relevant cases. To validate a case (meaning to make sure the case is still good law), observe the *KeyCite Bar* toward the top of the window. If there are any Negative Treatments or Histories you should probably not rely on that case to support your client. Also, any *red flags* are indications that a case is likely not considered good authority. (See below.)

Read any relevant cases, or select for delivery

For this exercise, scan several cases and read those that appear relevant. You can have any relevant cases “delivered” by download, email, or print. Simply check the box to the left of the case title, then use the Delivery drop down menu to choose how you want to obtain the document. (Remember, it is free now, but every delivery costs if you are working for a law firm with a subscription.)





A researcher can quickly expand his or her search by using relevant headnote references. If you determine that a case is relevant, review the headnote references that appear after the caption of the case. If you identify any particularly relevant headnotes, click on the *Cases that cite this headnote* link. *Westlaw* will list other cases that rely on that same legal logic. So, if the case you have located in the *Results Page* is relevant, but not from your jurisdiction, using the headnote references may help you locate additional cases from your own jurisdiction that deal with the same or similar subject matter.

The screenshot shows the Westlaw Edge interface for the case *Chalkboard, Inc. v. Brandt*. The search query is "day care center" liability for injured child. The case is from the United States Court of Appeals, Ninth Circuit, dated July 13, 1989, with citation 902 F.2d 1375. The page shows the case text with a headnote for "4 Infants" highlighted in green. A red arrow points to this headnote. Below the headnote, a link "2 Cases that cite this headnote" is visible, with another red arrow pointing to it. The right side of the page features a "KeyCite Bar" with key numbers and references to other cases, including 211, 211VIII, 211k1382, 211k1385, 211, 211VIII, and 211k1401.

After your first couple of searches as a student, begin developing time-conscious habits even during this course by:

1. *Preparing a query prior to signing in*
2. *In the Results Page, select cases that appear to be relevant using the check box*
3. *Don't read entire cases online*
4. *Have selected cases delivered*
5. *Get in and out of Westlaw very quickly*

**CHECKLIST | RESEARCHING CASE LAW USING WESTLAW**

- Select your *filter*, or enter your state abbreviation and “-cs” (Example: tx-cs)
- Enter your *search query*
- In the *Results Page*, modify the query, or “*Search within results*” as needed
- Select *cases* from list of search results to review
- Refer to the *KeyCite Bar* to make sure the authority is still valid
- Expand or focus your research by using the *Key Number References*
- To save the client money, have relevant cases *delivered* (print, email, or download) or locate those cases in the law library, if possible, instead of reading online

REVIEW QUESTIONS § 8.3(A) | RESEARCHING CASE LAW USING WESTLAW

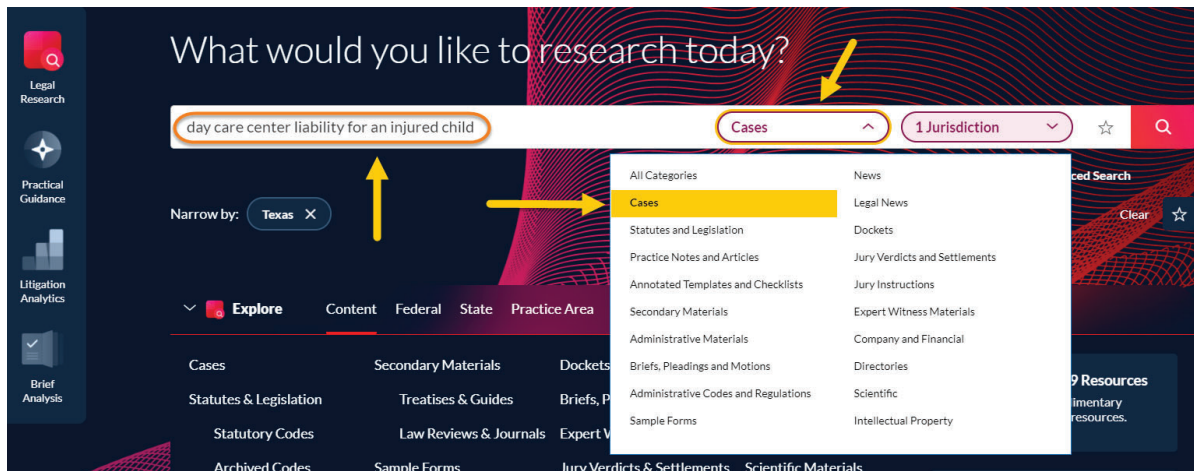
1. What method did you use to locate the database?
2. What search query did you use?
3. Were you satisfied with your search query, or did you need to modify your query?
4. List at least 3 case citations from the *Results Page* that appear relevant to your research.
5. Were you able to locate any relevant *Key Numbers*? If yes, list those *Numbers* (including their *Topics*) below. Then try to research using just those Key Numbers by pasting them one at a time in the *Search Query Box*.

ASSIGNMENT 8.3(B) | RESEARCHING CASE LAW USING LEXIS

Open *Lexis* within your browser (*lexis.com*) and follow along with the steps provided below but using your client's case as the basis for your legal research.

In *Lexis* (currently called *Lexis+*), case law research begins by selecting *filters*.

1. *Select your Category Filter*  
Using the *Category* drop down tool, select *Cases*.



2. *Select your Jurisdiction Filter*

Using the *Jurisdiction* drop down menu select your state or federal jurisdiction. (The setting of these filters can be done in any order and can be adjusted at any time.)

3. *Enter your search query*

Type your search query in the text box and click the *Search* button:



4. *Select cases to view from the Results Page*

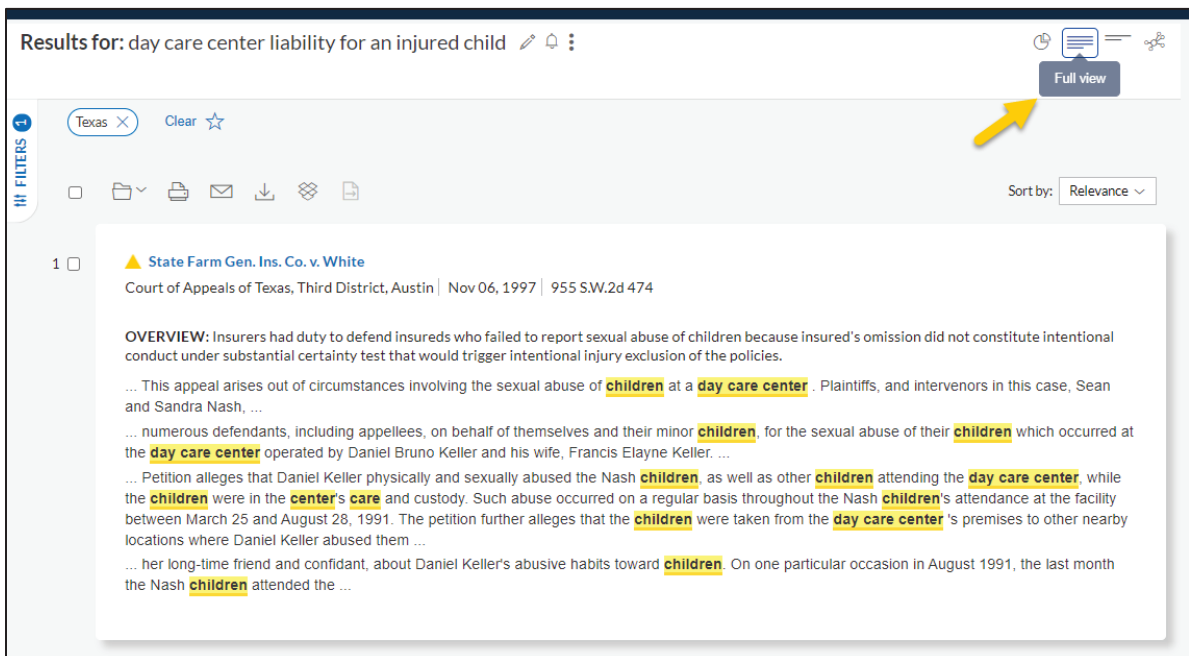
**Options for how to view the Results**



Lexis provides options for viewing the resulting cases that have been found. These options may be found at the top right of the Results window.

*Full View*

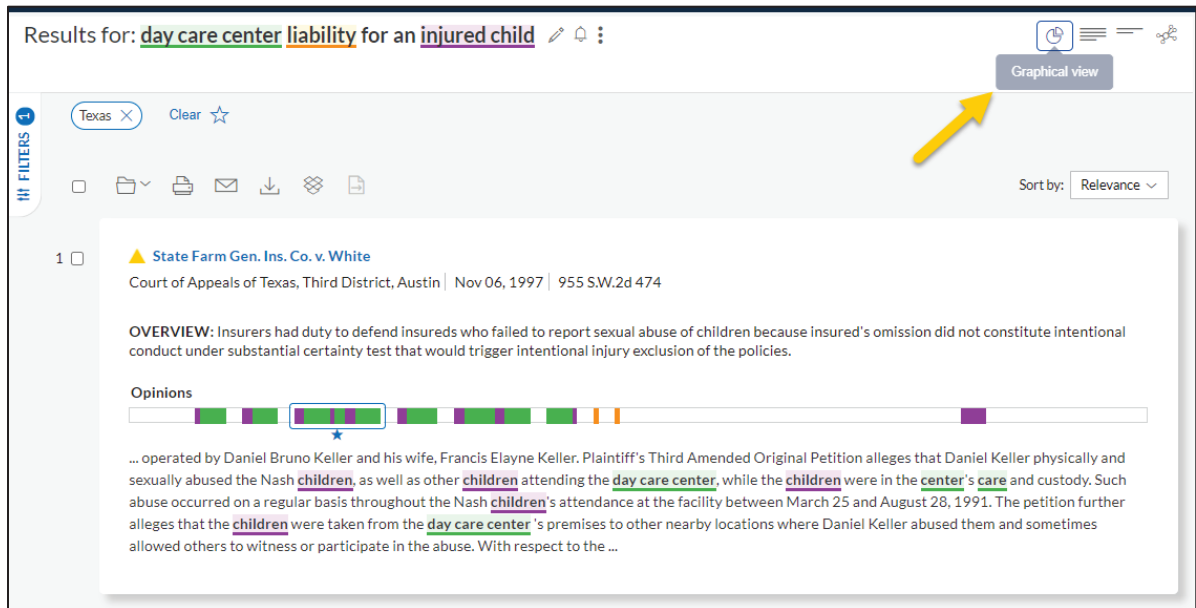
Provides the case title, citation, an overview, and typically a few paragraphs from the most relevant part of the case. This is probably the most popular view and is certainly the most traditional.





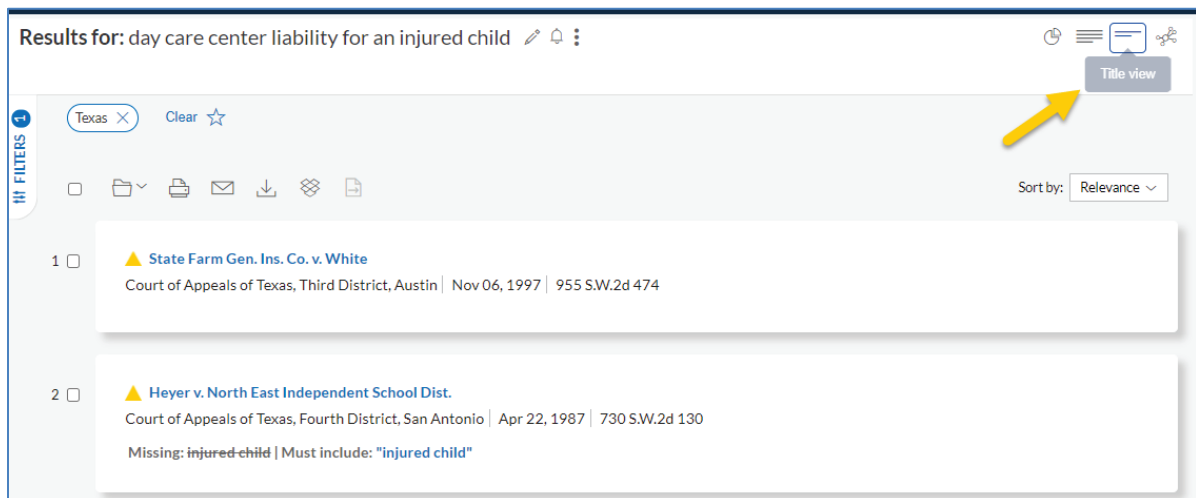
*Graphical View*

This relatively new form of viewing results offers a graphic interface for identifying the parts of an opinion (or other authority) that deals with the issues you have researched. It even color coordinates the terms from your search so you can identify specific aspects of your query which have been deemed relevant to the result.



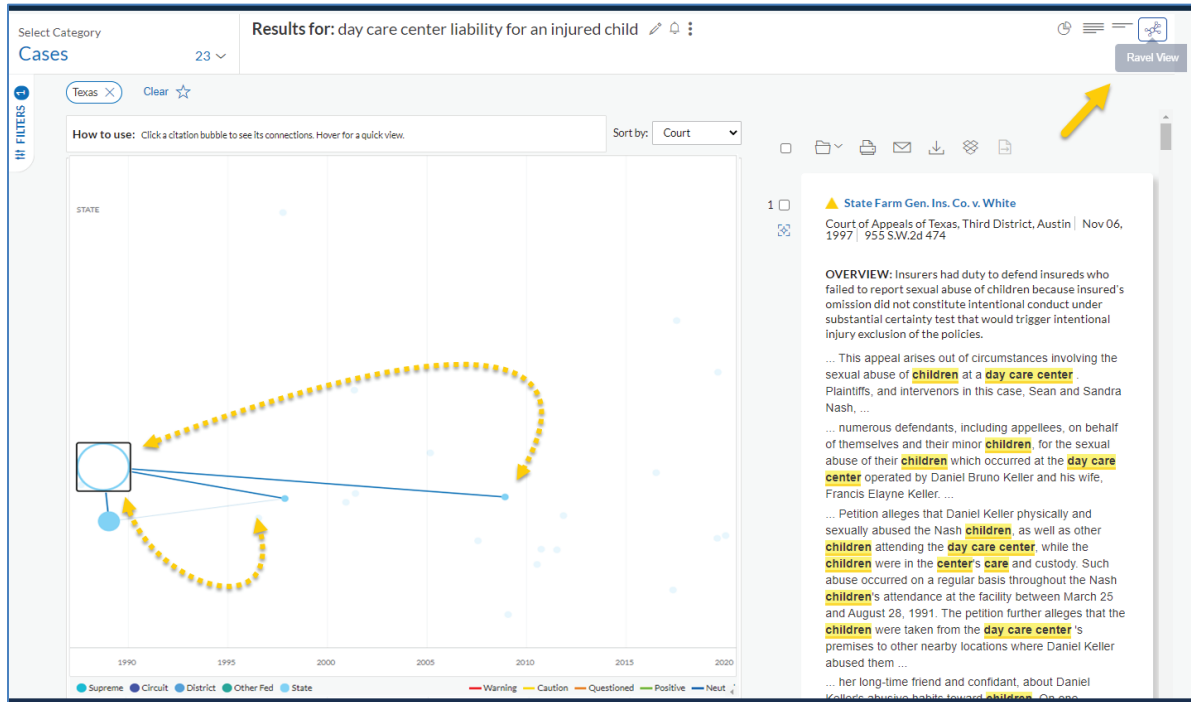
*Title View*

Provides the case title and citation for all results. Click on the title to read.

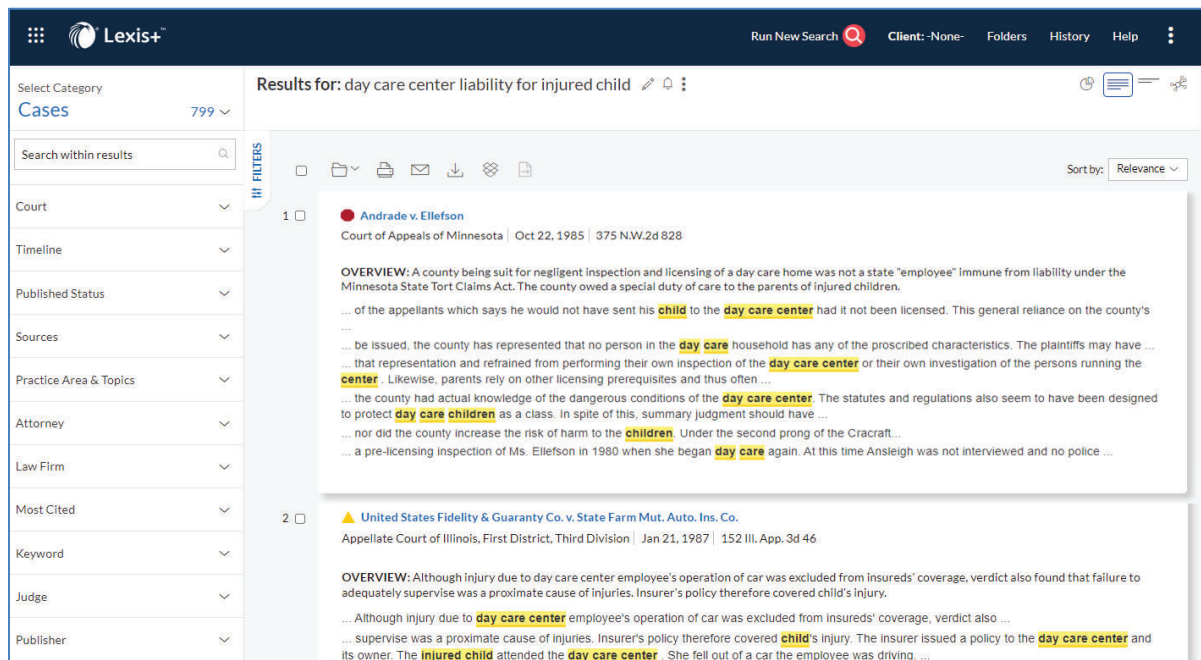


*Ravel View*

A graphical timeline view of how the opinion relates to other authorities.

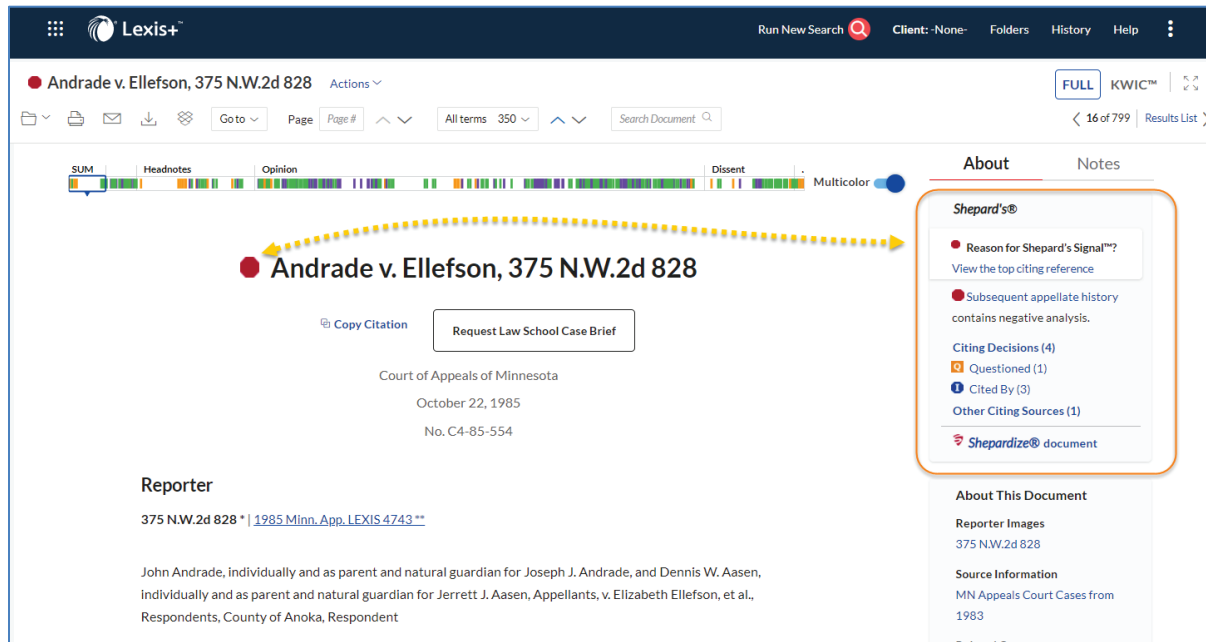


Once a case has been identified that appears to be relevant, click on the title link to that case. While there are exceptions, you will likely stay away from cases with a red warning icon. As we will see, those cases are at least partially invalid.

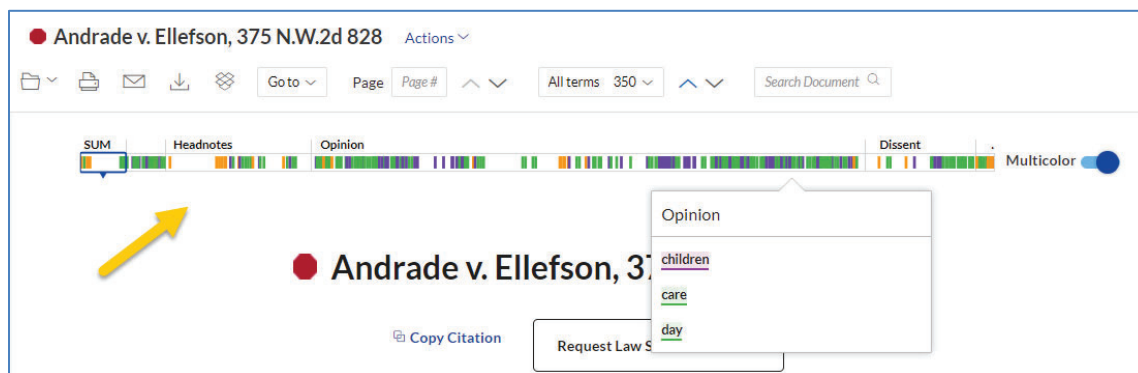


5. *Read the opinion and validate the case*

Lexis provides the full court opinion. If the case looks relevant you will want to read the entire opinion. That should not be done online, since your attorney will be charged for the time you spend reading the case. (We will discuss document delivery below.) Refer to the *Shepard's box* at right to determine whether the case is valid.



In the "FULL" view of the case you are reviewing, Lexis also provides a graphical interface at the top of the opinion. This color-coded bar visually demonstrates where in the case your search terms are mentioned and even color-codes each term. Just slide your cursor over the bar to identify each mentioned term. The researcher can also click on any point in the bar to go directly to that part of the opinion.



6. *Have any relevant cases "delivered"*

Lexis provides several options for delivery of relevant cases, including printing, downloading, and emailing.



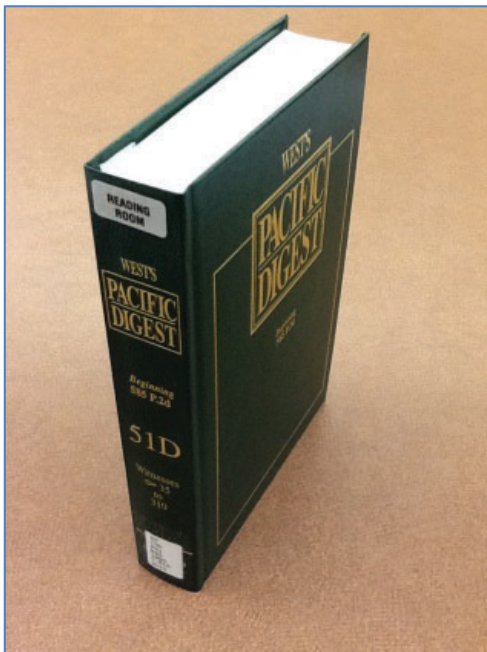
**CHECKLIST** | RESEARCHING CASE LAW USING *LEXIS*

- Select the desired *filters for your search*
- Click the title of any relevant *cases* to view the full opinion
- Read the headnotes to quickly determine whether a case is worth *delivering*
- Check the *Shepard's box* to determine whether the case is still valid
- To save the client money, have relevant cases *delivered* (print, email, or download) or locate those cases in the law library instead of reading online

**REVIEW QUESTIONS § 8.3(B)** | RESEARCHING CASE LAW USING *LEXIS*

1. What method did you use to select a filter (database)?
2. What search query did you use?
3. Were you satisfied with your search query, or did you need to modify your query?
4. List at least 3 case citations from the *Results Page* that appear relevant to your research.
5. Were you able to locate any relevant *Key Numbers*? (Note: This is a trick question!)

**ASSIGNMENT § 3.8(C)** | RESEARCHING CASE LAW IN THE LAW LIBRARY (OPTIONAL)



There are many secondary sources that can eventually lead to case law. *Am. Jur. 2d*, *A.L.R.*, *Restatements of the Law*, and *C.J.S.* are excellent research sources that will lead to case law, among other authorities. However, the most direct method of finding case law in a law library is by the use of *West Digests*. The following paragraphs were first presented in Chapter 7 discussing the *Key Number System*. They are presented again here as review, and in the context of using digests.

Digests serve two major functions:

- *Digests collect headnotes in topical order*
- *Digests act as an index to case law*

Digests are arranged topically. When *West* publishes a court opinion in a reporter, it adds several research tools, such as headnotes. Each headnote is assigned an appropriate key topic and key number. That headnote is then published with the opinion, and in its appropriate digest volumes. For instance, a case in the *Pacific Reporter* from Hawaii deals with the topic of lack of consideration within contracts. *West Publishing* will assign that topic the *Key Number of Contracts 49(3)*. The headnote will then be published in the *Hawaii Digest* and the *Pacific Digest* under the topic of *Contracts Key Number 49(3)*, along with all the other headnotes from cases dealing with lack of consideration.

There are dozens of digests: state digests, regional digests, topical digests (i.e. *Bankruptcy Digest*), the *Decennial Digests*, the *General Digest*, the *Federal Digest*, etc. For this assignment, use the regional digest from your region. For example, if you are in the *Pacific Region*, use the *Pacific Digest*. (For some reason, there is no *West Digest* for the Northwest or Southeast regions. If you are in one of these regions, try using your state digest.) Since digests act as indexes to case law, and indexes would never be quoted, digests are non-authority.

1. *Begin your research in the index*

After selecting a set of digests, go to the index. In *West Digests*, the index is called the *Descriptive Word Index*. It is a hardbound, multi-volume set. As with all indexes, its job is to refer the researcher to relevant material within the main volumes. After cartwheeling your topic, look up all the terms in the index. Do not stop when you locate one term and find *Key Numbers*. Look under all possible subject matter in the index. Also check the *pocket part (cumulative supplement)* in the back of each index volume used. Take note of all relevant *Key Numbers* provided by the index.

### ASSIGNMENT QUESTIONS – PART 1

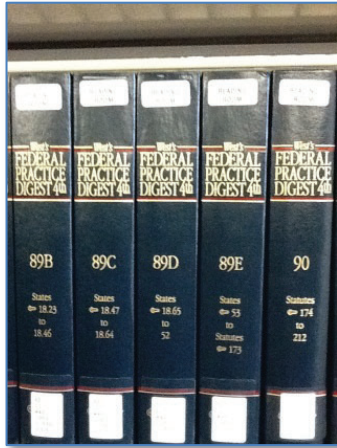
Using the *Descriptive Word Index* to a state or regional digest, (such as the *California Digest* or *Pacific Digest*) answer these questions. Do not use the *General Digest* or the *Decennial Digest* at this point. (Note: In whatever digest you begin, make sure you are using the most recent set of that digest.)

1. How many volumes make up the *Descriptive Word Index*?
2. Is your research topic covered in the index?
3. The digest index leads to which of the following?
  - volume number, series, page number
  - topic and section number
  - topic and key number
4. Does the index have a supplement? If yes, where is it located?



5. If there is an index supplement, is your topic covered?
6. Provide any cites to the digest's main volumes the index may have provided (such as *Negligence Key Number 35*).

2. Go to the Main Volume corresponding with the topic provided



The index leads the researcher to the main digest volumes, which are arranged by topic. After obtaining a *Key Topic and Number* from the *Descriptive Word Index*, the researcher must find the volume that covers the topic, followed by the specific *Key Number*. The researcher should find the section of the material which collects and arranges headnotes.

*Note:* Do not get bogged down in the *Scope of Topics* at the beginning of each topic. This acts as a table of contents for that topic. The *Scope of Topics* section can help expand research later, but the index does not lead you here. Instead, turn to the pages covering the specific *Key Number*.

If there are any cases relevant to the topic, *West* will provide short paragraph summaries of those cases with the case citations. These paragraphs are basically reprinted headnotes. Note that *West's Digests* do not discuss or annotate law, and since the reprinted headnotes would never be quoted, digests are non-authority.

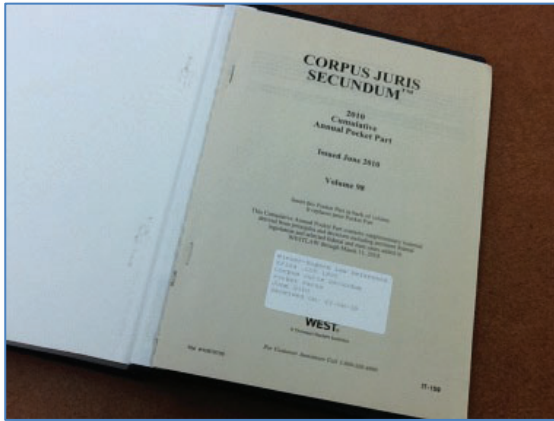
### ASSIGNMENT QUESTIONS – PART 2

Locate the main volume containing your topic and *Key Number*, then answer these questions.

1. What is the subject matter under your topic and key number? (There should be a short, boldface sentence.)
2. Does the digest provide footnotes?
3. Provide at least one citation to a case:

3. *Always check the pocket part (cumulative supplement)*

Supplements update the material within the main volume.



Digests supplement their main volumes primarily through the use of pocket parts. Some pocket parts are cumulative. This means that at least one, and possibly several, previous supplements have been replaced by this new supplement. All the material contained in the previous supplement is combined within this most recent update. In *West's Digests*, the researcher should research the corresponding *Key Topics and Numbers* in the pocket part for each *Key Topic and Number* researched in the

main volume. Even if nothing relevant was found in the main volume, the researcher may be able to find relevant material in the supplement.

**ASSIGNMENT QUESTIONS – PART 3**

Locate the supplements needed to answer these questions.

1. How is your digest volume updated?
  - pocket part
  - hardbound supplement
  - softbound supplement
  
2. Is there any relevant information in the supplement for your research assignment?

4. *Expanding your research: Accessing additional West Digests*

With a *Key Topic and Number*, a researcher can access any *West Digest*.

*West's Digests* are popular because researchers can locate an identified *Key Topic and Number* in any of the digests published by *West* in order to expand their research.

For example, if the researcher finds a case exactly on point or a *Key Topic and Number* exactly on-point, he or she can take those topics and numbers to a state digest (such as the *Virginia Digest*, *West Virginia Digest*, or the *Hawaii Digest*) or regional digests (such as the *Pacific Digest*). This is the most valuable aspect of the *Key Number System*.

**ASSIGNMENT QUESTIONS – PART 4**

Using a *Key Topic and Number* found earlier in the index, answer these questions.

1. In which digest have you been researching up to this point? (i.e., Pacific Digest? Texas Digest? Federal Practice Digest? etc.)
2. Write one of the *Key Topics and Numbers* you found.
3. Find another digest, different from the one listed above. Which digest did you choose?
4. Continue your research in this digest. Do you have to use the index for this digest?
5. Why, or why not?

5. *Decennial Digests and General Digests*

The *Decennial Digest* is a ten-year collection of state and federal, appellate, supreme and, in some cases, selected trial court material. Because of the veritable explosion in the number of cases, *West* now divides *Decennials* into *Part 1* and *Part 2* for the most recent editions. The parts are published in five-year intervals, beginning with the *9th Decennial Digest*. One can access the *Decennial Digest* as one would access any digest: By using the descriptive word index or a *Key Topic and Number* obtained in some other digest. Some researchers begin their research in the index of the most recent *Decennial* because it is so very thorough.

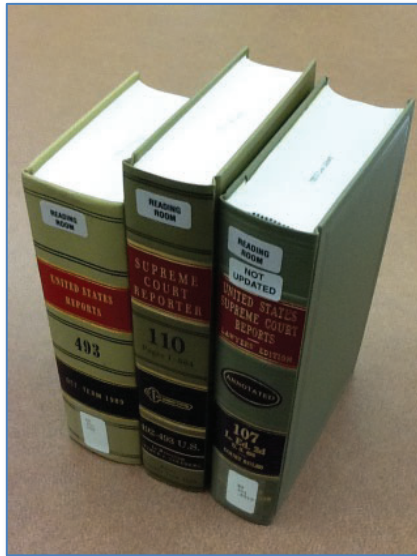
*Decennial Digests* have no pocket parts. The *Decennial Digest* has a separate set of books, the *General Digest*, which updates the most recent set.

**ASSIGNMENT QUESTIONS – PART 5**

Locate the *Decennial Digests* and answer these questions.

1. Which *Decennial Digest* did you pick?  
(i.e., Eighth *Decennial*; Ninth *Decennial*, Part 1; etc.)
2. Continue your research in this digest. Do you have to use the index for this digest?
3. Do the main volumes have pocket parts?
4. How many volumes make up the *Descriptive Word Index* in the *Decennial Digest*?

6. *Federal Case Law Research in the Law Library*



There are several publications that contain federal case law. If you work for an attorney who practices in federal court, having foundational knowledge of these books and what they contain will make you a more valuable employee.

**United States Supreme Court Cases**

There are three publications that publish all U.S. Supreme Court Cases, one official and two unofficial.

- U.S. Supreme Court Reports (*Official*)
- Supreme Court Reporters (*West Publishing*)
- U.S. Supreme Court Reports, Lawyer's Edition (*Lawyer's Cooperative*)

The researcher will typically use one of the unofficial publications (or both) when looking up U.S. Supreme Court cases in the law library. This is because the unofficial publications not only publish the full court opinion, they also provide other research tools, such as headnotes, the *Total Client-Service Library*, and the *Key Number System*. However, when citing such cases, all three publications may need to be cited. Remember when citing cases the official is cited first, followed by the two unofficials (usually U.S., S. Ct., then L. Ed. 2d).

To get a feel for each of the publications, choose one of the following citations and look the case up in the official, as well as each parallel (unofficial) cite. (You are only required to look up one of the following cases in the three books, but for practice you may want to do more.)

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. 425 U.S. 435, 96 S. Ct. 1619, 48 L. Ed. 2d 71</li> <li>2. 495 U.S. 385, 110 S. Ct. 1964, 109 L. Ed. 2d 384</li> <li>3. 487 U.S. 285, 108 S. Ct. 2389, 101 L. Ed. 2d 261</li> <li>4. 445 U.S. 552, 100 S. Ct. 1358, 63 L. Ed. 2d 622</li> <li>5. 465 U.S. 770, 104 S. Ct. 1473, 79 L. Ed. 2d 790</li> </ol> | <ol style="list-style-type: none"> <li>6. 431 U.S. 195, 97 S. Ct. 1774, 52 L. Ed. 2d 250</li> <li>7. 434 U.S. 308, 98 S. Ct. 584, 54 L. Ed. 2d 563</li> <li>8. 436 U.S. 412, 98 S. Ct. 1893, 56 L. Ed. 2d 417</li> <li>9. 440 U.S. 147, 99 S. Ct. 970, 59 L. Ed. 2d 210</li> <li>10. 442 U.S. 560, 99 S. Ct. 2479, 61 L. Ed. 2d 82</li> </ol> |
|--|---|

Open each publication up to the case, and for comparison purposes consider the following commentary as you review the books.

*Using the Unofficial Publications*

When researching U.S. Supreme Court cases, the researcher commonly uses one of the unofficial publications. The official publication contains only the opinion with limited notes, but the unofficial publications contain research tools, such as headnotes and *Key Numbers*.

*Star Pagination*

The unofficial publications (S. Ct. and L. Ed. 2d) employ a system called star pagination to inform the researcher of which page the case would be found in the official publication (U.S. Reports). Can you find star pagination notations in the unofficial publications? They are usually set apart by the use of asterisks, or brackets. (If you can't find one, ask the instructor to point it out.)

*Headnotes, Annotations, and Briefs*

Headnotes are short paragraphs at the beginning of a case that refer to portions of the case. Both unofficial publications of U.S. Supreme Court cases contain headnotes. Some editions of the official *U.S. Reports* include them, as well.

*Annotations are commentaries or discussions of a case*

The *United States Supreme Court Reports, Lawyer's Edition* includes annotations of selected cases. These annotations are contained in the back of each volume. The annotations are updated by means of pocket parts in L. Ed. 2d.

L. Ed. 2d. provides another unique tool for the researcher. Many cases are supplemented in the back of each volume with a summary of the attorney's argument at trial (referred to as briefs). This is very valuable, providing the strategy argued before the court.



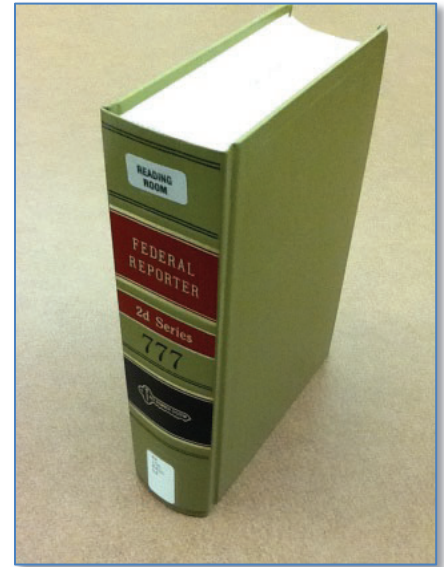
**United States Circuit Court of Appeals Cases**

The *Federal Reporter* (first, second and third series) contains U.S. Circuit Courts of Appeals cases. Not all federal appellate court opinions are published. The court designates which opinions will be published.

*Note:* One of the more recently published law books - the *Federal Appendix* - prints cases that have not been designated by the court for publication. It is somewhat controversial as a source of authority and most likely should be cited only as a last resort.

Choose one of the following citations in the *Federal Reporter* to locate in the law library.

- |                 |                  |
|-----------------|------------------|
| 1. 203 F.2d 430 | 6. 905 F.2d 471  |
| 2. 256 F.3d 516 | 7. 342 F.2d 255  |
| 3. 153 F.2d 615 | 8. 156 F.3d 581  |
| 4. 134 F.2d 217 | 9. 87 F.3d 431   |
| 5. 31 F.2d 325  | 10. 567 F.2d 225 |

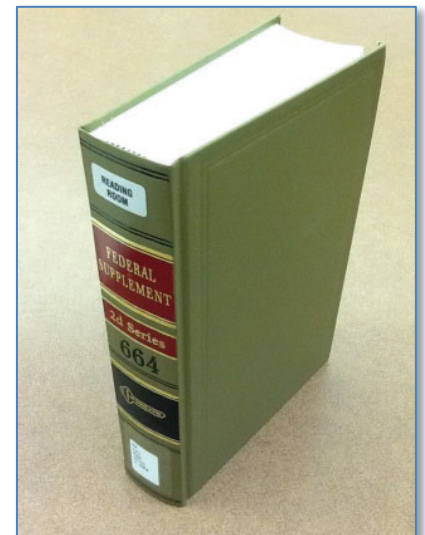


**United States District Court Cases**

The *Federal Supplement*, first and second series, contains the published cases from U.S. District Courts. Only cases designated by the court are published.

Choose one of the following citations in the *Federal Supplement* to locate in the law library.

- |                     |                         |
|---------------------|-------------------------|
| 1. 717 F. Supp. 162 | 6. 1 F. Supp. 2d 103    |
| 2. 609 F. Supp. 733 | 7. 51 F. Supp. 2d 597   |
| 3. 460 F. Supp. 573 | 8. 77 F. Supp. 2d 1014  |
| 4. 528 F. Supp. 664 | 9. 519 F. Supp. 2d 1029 |
| 5. 723 F. Supp. 107 | 10. 18 F. Supp. 2d 182  |



**ASSIGNMENT QUESTIONS – PART 6**

The following questions are regarding federal case law.

1. Which of the three publications reporting U.S. Supreme Court decisions refer to the *Key Number System*?
2. Which of the three publications reporting U.S. Supreme Court decisions include annotations and pocket parts updating those annotations?
3. Do the *Federal Reporter* and the *Federal Supplement* use the *Key Number System*?

**CHECKLIST | RESEARCHING CASE LAW USING THE LAW LIBRARY**

- Determine the *reporter* or *jurisdiction* in which you want to search
- Locate the corresponding *Digest*, i.e., the *Atlantic Digest* for the *Atlantic Reporter*
- Research in the *Digest Index*, which will provide a *Key Topic & Number*
- Using the *Key Topic and Number*, access the Main Volumes
- In the Main Volumes, read the *headnotes*
- Make note of any *citations* that follow relevant headnotes
- Retrieve the *cases* from their reporters and read to determine relevance
- Expand or focus your research by using the *Key Numbers* to access additional digests
- To focus your research more specifically, use your state digest
- To broaden your research (if you cannot find enough authority), use the *Regional Digest*, or the *Decennial Digest* (beginning with the most recent set)