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Research Guides

U.S. SUPREME COURT

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I. INTRODUCTION

The United States Supreme Court is the most watched and researched court in the country, if not the world. Its opinions are available in many formats, and many primary and secondary sources are available for research into the Court's decisions and the Court itself. In fact, the Court is so important that under *Bluebook* Rule 8, it is the only court where a capital "C" must be used any time the Court is mentioned.

Supreme Court resources are often organized by **term**. The Court originally convened in two terms each year, with several modifications of start dates along the way. Since an 1873 statute (28 U.S.C. § 2), a single annual term convenes on the first Monday of October and runs through the summer. Each October Term (OT) is designated by the year it begins; for example, the term that commenced in October 1989 and ran through summer of 1990 is often referred to as OT 1989.

This guide describes sources and coverage of opinions, orders, briefs, oral arguments, rules, docket information, and secondary sources. The Supreme Court website is discussed first, with alternatives, paper resources, and highlights from other sites in the sections that follow.

II. SUPREME COURT WEBSITE

The Supreme Court's official website, <http://www.supremecourt.gov/>, debuted in 2000 and continually adds materials. **Opinions** are available in slip form on the Court's website in PDF format, and remain until the print volume of the *U.S. Reports* is published. Opinions from bound volumes 502 (OT 1991) to date are available. Guides to opinions and how to obtain them are also included.

The status of requests for certiorari or rehearing, motions in pending cases, and the status of other applications summarily decided are encompassed in **Orders and Journals**, available on the site from OT 2003. The Court's Journal is available from OT 1993, compiling orders, bar admissions, other case information, and Court announcements.

The Court makes unofficial versions of **briefs** for the current term available in PDF through the ABA's Preview of United States Supreme Court Cases (http://www.americanbar.org/publications/preview_home/alphabetical.html). Briefs are listed in alphabetical order and can also be sorted by argument date. The Court web site also provides a guide, "Where to Find Briefs," to both electronic and paper formats.

The Court's **docket** for the current and previous terms is searchable by Supreme Court docket number, lower court docket number, and case name. Links to Questions Presented are available for all granted and noted cases.

A permanent, PDF archive of **oral arguments** starts with OT 2000 and new transcripts are added on the same day that the arguments are heard. A thorough guide to obtaining oral argument transcripts is available, along with calendars and schedules for the current OT.

Additional materials include unannotated **Court rules** effective February 16, 2010, available in a PDF file (<http://www.supremecourt.gov/ctrules/2010RulesoftheCourt.pdf>), forms and instructions on Supreme Court bar admissions, select speeches from current Justices, and **secondary sources** on the Justices, the history of the Court, and on handling cases.

III. OPINIONS

According to the Supreme Court's website: "The Court's caseload has increased steadily to a current total of more than 10,000 cases on the docket per Term. The increase has been rapid in recent years. In 1960, only 2,313 cases were on the docket, and in 1945, only 1,460. Plenary review, with oral arguments by attorneys, is granted in about 100 cases per Term. Formal written opinions are delivered in 80-90 cases. Approximately 50-60 additional cases are disposed of without granting plenary review."

A. Print

Supreme Court opinions are first available in paper in *U.S. Law Week* (Reference Indexes; also available through Lexis, Westlaw and BNA Electronic Library) about one week after the decisions are announced. These "slip" opinions are named for the individual pamphlet format of this generation of the opinion. Approximately one month later, the opinions are

published in the advance sheets of the two unofficial Supreme Court reporters, West's *Supreme Court Reporter* and *United States Supreme Court Reports, Lawyers' Edition*. The former covers back to 1882 (106 U.S.) and references ALR sets, C.J.S., and case annotations; the latter provides research references to the ALR sets, Am Jur 2d, and case annotations.

Official *U.S. Reports* preliminary prints are published two to three months after the decision. Another year or two later, the permanent bound editions of all three reporters are published. All of the bound reports for the U.S. Supreme Court are located on Level 3.

Finding aids for print volumes are located on Level 3 with the reporters. *United States Supreme Court Digest, Lawyers' Edition*, printed by Lexis, is organized by digest topics and includes Table of Cases volumes. *United States Supreme Court Digest* is printed in conjunction with the West Key Number System and includes a descriptive word index. Both are updated by pocket part. Supreme Court cases are also included in broader digest series such as *West's Decennial Digest* (continued by the *General Digest*).

B. Free Websites

The Court cautions, "Only the printed bound volumes of the *United States Reports* contain the final, official opinions of the Supreme Court of the United States." Nevertheless, in addition to the Court's own site, opinions are available virtually instantaneously through a variety of online sources. **Project Hermes**, administered by the Director of Data Systems at the Court since 1990, distributes bench opinions (preceding slip opinions) electronically to a number of universities, media groups, and other subscribers that have agreed to make the opinions available to the public.

Cornell's Legal Information Institute, (<http://www.law.cornell.edu/supct/>), is one such subscriber, dividing opinions between "1990 to date" (PDF or HTML) and a "historical" selection (HTML only), and contains extensive information about the Court in addition to the text of opinions. A current awareness bulletin, *liibulletin*, provides the syllabi of decisions handed down that day.

Opinions are available on **FDSys** (<http://www.gpo.gov/fdsys/bulkdata/SCD>) in bulk download form for OT 1937-75.

The **FindLaw** collection (<http://www.findlaw.com/casecode/supreme.html>) covers from 1893 (150 U.S.) to date. It is available only in HTML, but includes helpful search options by party name and keyword in text. **LexisOne** (<http://www.lexisONE.com>) requires free registration and provides only HTML, but provides full coverage back to 1781.

Note: The dates included in this guide are statements from the respective source. Full date coverage is often stated as one of two relatively distant years, 1754 and 1790, but the scope of case coverage in this gap period is negligible or nonexistent. Reporting of opinions began in 1790 by self-appointed Reporter Alexander J. Dallas, but his first volume gathered approximately thirty cases dating back to 1754, decided prior to the revolution before his home state's Supreme Court of Pennsylvania. Dallas continued more inclusive reporting from three levels of Pennsylvania courts into volume two. Full coverage sources often include the full

volume span produced by Dallas (from 1 U.S. 1, 1 Dall. 1) but describe the time coverage of U.S. Supreme Court cases as “back to 1790.” Since the Supreme Court was not officially established until the Judiciary Act of 1789 and did not meet until its first February Term in 1790 (see 2 U.S. 399, 2 Dall. 399, for the announced establishment of the Court), this scope is not a misnomer. For more information on early reporters, see MORRIS L. COHEN & SHARON HAMBY O’CONNOR, *A GUIDE TO THE EARLY REPORTS OF THE SUPREME COURT OF THE UNITED STATES* (KF101.8 .C64 1995; also available in HeinOnline’s **U.S. Supreme Court Library**, <http://search.library.duke.edu/search?id=DUKE003131760>); Gerald T. Dunn, *Early Court Reporters*, SUPREME COURT HISTORICAL SOCIETY YEARBOOK, 1976, at 61.

C. Online Databases

Westlaw’s SCT database covers 1790-present; SCT-OLD covers earlier cases from 1790-1944. PDF images from the *Supreme Court Reporter* are available from volume 1 (1882) to the present, although PDFs of the most recent cases (i.e., those printed in advance sheets or interim editions) are not provided on Westlaw until the case has appeared in the permanent edition of the print volume. Entries link to petitions, briefs, and tables of authorities, when available (see sections below for coverage). SCT-HN searches just the text of headnotes, but covers back to 1790. Westlaw also provides databases searching the opinions and papers of individual current Justices; databases are identified by last name (e.g., Justice David Souter is covered by SOUTER).

Lexis **U.S. Supreme Court Cases, Lawyers’ Edition** database (GENFED;USLED) dates back to 1790. Entries link to briefs, oral argument transcripts, and secondary resources, when available. **GENFED;USDGST** allows searching or browsing of the **U.S. Supreme Court Digest, Lawyers’ Edition**. The full text of opinions for the same time span is available to the general Duke University community through the **LexisNexis Academic** database (<http://search.library.duke.edu/search?id=DUKE002508384>).

Another Lexis database, **U.S. Supreme Court Case List** (GENFED;USLIST), provides a summary of the decision in each case from the current term. The database allows the researcher to select from two paths: view a full list or perform a search.

HeinOnline (<http://search.library.duke.edu/search?id=DUKE003131760>) contains a U.S. Supreme Court Library. Official *U.S. Reports* are available in PDF in their entirety (from 1754), supplemented by both preliminary prints and slip opinions from the terms not yet printed in permanent volumes. One important feature of HeinOnline is that because PDF images are from the official *U.S. Reports* volumes, this source incorporates appendices and prefatory material; Westlaw and Lexis print reporters and databases do not.

D. Audio

Until 1930, opinions were announced in their entirety in the courtroom; today, Justices may read from a preliminary syllabus or part of the opinion. Justices occasionally elect to read a concurring or dissenting opinion in the courtroom. The **OYEZ Project**, <http://www.oyez.org/>, includes audio of select opinions since 1995 as they are delivered in the courtroom. Case summaries for earlier cases are also available.

IV. ORDERS

When oral argument is not necessary, or a case can otherwise be adjudicated summarily, the Court releases short dispositions in the form of Orders.

The **Supreme Court** website (<http://www.supremecourt.gov/orders/orders.aspx>) has Orders of the Court from October Term 2003 forward. Also included are Opinions Relating to Orders (OT 2004 -), and Orders by Circuit (OT 2003 -).

The **Findlaw Supreme Court Center** (<http://supreme.lp.findlaw.com>), Court Resources link includes orders from OT 1998, with PDF versions available from OT 2000.

V. BRIEFS

You may be interested in the briefs filed by counsel in relation to the Court's opinion, in order to see what arguments each side advanced. Briefs from 1832-1978 can be accessed through **The Making of Modern Law: U.S. Supreme Court Records and Briefs** Collection (<http://search.library.duke.edu/search?id=DUKE004173355>).

Briefs for cases from 1920 to the present are available in microfiche in the Microforms Room. The briefs from the 1950 Term on are arranged in docket number order. Before that, they are arranged according to the *U.S. Reports* citation. We also have a set of books, **Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law** (Level 3, shelved with the reporters), which contains briefs from selected cases.

If you need briefs from before 1832, the law library at UNC-Chapel Hill has a microform set from 1789 to 1831, **Appellate Case Files of the Supreme Court of the United States**; materials related to a particular case can be requested through Interlibrary Loan. Note that these files mostly contain agreements of counsel, motions, orders, decrees, judgments, mandates, and correspondence, rather than briefs as we know them today.

Briefs filed by the **Office of the Solicitor General** are available selectively from OT 1982, at <http://www.justice.gov/osg/briefs/index.html#subject>. Browsing capability and availability of PDF versions begin with OT 1997. The list feature can also be helpful for older briefs, at <http://www.justice.gov/osg/briefs/index.html#oldbriefs>.

The **Findlaw Supreme Court Center** (<http://supreme.lp.findlaw.com>), Court Resources link provides PDF versions of briefs back to OT 1999.

Westlaw SCT-BRIEF-ALL searches all briefs available in several databases, with selected briefs dating back to 1870. SCT-BRIEF covers merits briefs from OT 1990 and amicus briefs from OT 1995. SCT-JA covers select joint appendices from OT 1988.

Lexis U.S. Supreme Court Briefs database and **LexisNexis Academic** cover select merits briefs from OT 1960. Joint appendices were included prior to OT 1993. Select petitions for Writ of Certiorari are also included.

Neither Lexis nor Westlaw contains complete sets of petitions for certiorari in cases where the Supreme Court did not grant review (although Lexis and LexisNexis Academic have these petitions in civil, white collar criminal, and death penalty cases, and Westlaw offers them from OT 1995 forward), but these are contained in the microfiche set from OT 1985 to the present.

VI. ORAL ARGUMENTS

Transcripts of oral arguments are available in the library on microfiche and are also available online. For the years 1953 to 1968 we have a set of selected arguments (those that were available on tape or had been transcribed). Since 1969, all oral arguments have been transcribed, and are available in the Microforms Room about 6 to 12 months after the date of the argument.

The **OYEZ Project** (<http://www.oyez.org/>) provides audio for all Court sessions recorded since 1995, as well as select prior cases. The project is working toward complete coverage back to 1955. The library owns a copy of *The Supreme Court's Greatest Hits* (KF8741 .A52 2002 CD-ROM), containing 50 oral arguments on CD, taken from the Oyez database. The library also owns *May It Please the Court: Live Recordings and Transcripts of Landmark Oral Arguments Made Before the Supreme Court since 1955* (KF8741.A52 M39 2007), featuring MP3 audio CDs and a companion book of selected transcripts.

Westlaw SCT-ORALARG offers transcripts from OT 1990 to the present. Lexis **United States Supreme Court Transcripts** database covers OT 1979 to the present. Both Lexis and Westlaw receive transcripts from the Court's authorized contractor.

Landmark Briefs and Arguments of the Supreme Court contains transcripts of oral arguments for most cases therein (not all were available to the publisher). *U.S. Law Week* publishes summaries or excerpts of selected oral arguments.

VII. COURT RULES

The annotated rules are included in the Rules volumes of U.S.C.A. and U.S.C.S. following Title 28. The unannotated rules are published in Title 28 Appendix of the U.S. Code, and are also in *Federal Civil Judicial Procedure and Rules* (Reserve) and *Supreme Court Practice* (Reserve). The annotated rules can also be found in volume 17 of the *United States Supreme Court Digest, Lawyers' Edition*, updated by pocket part.

Lexis **Rules of the Supreme Court** database (CODES;SUPRUL) provides Court rules as they appear in the current U.S.C.S. The database allows searches of the full-text of the rules.

Westlaw's **Federal Rules (US-RULES)** covers all rules included in Rules volumes of the U.S.C.A., thus the scope of the database is much larger than the Court's rules. Limit search to the Court by including ci("s ct rule") in a Terms & Connectors search to view the 48 rules.

Cornell's **Legal Information Institute** provides both an HTML and PDF version of the rules (<http://www.law.cornell.edu/rules/supct/overview.html>). The HTML version is notable for its table of contents; the list is easy to read and links to the listed rule. The 59-page PDF document is an LII publication, notable for its links to all cross-references including links from its index back into the rules themselves.

For superseded versions of Court rules, the Law Library collection provides the best resources. *Rules of the Supreme Court of the United States* is available on microfiche, covering 1790-1984. The *U.S. Reports* provide the rules at the end of the volume associated with the OT in which the rules were passed; "amendments of rules" is noted on the spine.

For more information on court rules generally, see the library's **Court Rules Research Guide** (<http://www.law.duke.edu/lib/researchguides/courtr>).

VIII. DOCKET INFORMATION

Researchers are interested in the Court's docket for a number of reasons, including the anticipated outcome of a particular case or knowing which cases the Court chooses to hear. One of the best sources for current information on the Court's docket is *U.S. Law Week*. The library receives this publication in paper (Reference Indexes, also available through Lexis, Westlaw and BNA Electronic Library) and keeps older editions in Superseded Loose-leaf (Level 1). The dockets for the current and previous terms are also available on the Supreme Court's website at <http://www.supremecourt.gov/docket/docket.aspx>.

Complementing briefs, the ABA's *Preview of United States Supreme Court Cases* offers in-depth discussion of the issues before the Court in select cases. These summaries are written prior to oral argument, and link to the decision on Findlaw after the ruling is handed down. Published seven times during the Term (September-April), the library owns issues back to 1974 (Periodicals). A sample of featured cases is available at http://www.americanbar.org/publications/preview_home.html. Westlaw SCT-PREVIEW covers this publication back to OT 1989; Lexis (ABA;PRE-VU) covers back to OT 1991.

The **United States Supreme Court Monitor**, <http://www.law.com/jsp/scm/index.jsp> (free registration required), provides summaries of the current OT as soon as certiorari is granted. In addition, news coverage is gathered from major legal newspapers.

The **OYEZ Project**, <http://www.oyez.org/>, follows the pending docket by linking to useful sources. **Supreme Court Docket Reports**, <http://www.appellate.net/docketreports/>, is a monthly newsletter produced by Mayer Brown Rowe & Maw since OT 1997. **On the Docket**, <http://www.onthedocket.org>, provides reports by the Medill School of Journalism at Northwestern University since OT 1998.

The **Findlaw Supreme Court Center**, <http://supreme.lp.findlaw.com>, Court Resources link also covers the current docket, with PDF links to oral arguments as they are completed.

Westlaw WLB-SCT provides summaries of current cases on the Court's docket. SCT-PETITION covers petitions for Writ of Certiorari from OT 1990 for granted petitions and from OT 1995 for petitions denied. The database includes briefs filed with the petitions.

IX. SECONDARY SOURCES

The library has a wide selection of secondary source material relating to the Supreme Court. In the General Collection, browse KF8741–45 for information on the Court, as well as KF4546–4747 on substantive subjects the Court handles (Level 2). Stern & Gressman's *Supreme Court Practice* (9th ed.) (KF9057 .S8 2007) is a handy reference source. A number of useful books are also available in the Reference Collection.

If you're interested in a specific Supreme Court justice, see:

- *The Supreme Court Justices: Illustrated Biographies, 1789-1995* (Clare Cushman ed., 1995) (Ref. KF8744 .S86 1995);
- *Biographical Encyclopedia of the Supreme Court: The Lives and Legal Philosophies of the Justices* (Melvin Urofsky, ed.) (Ref KF8744 .B56 2006);
- *The Justices of the United States Supreme Court: Their Lives and Major Opinions* (Leon Friedman and Fred L. Israel, 1995) KF8744 .F75. This is a five-volume set that concludes with Justice Breyer;
- *Memorials of the Justices of the Supreme Court of the United States* (compiled by Roger Jacobs, 1981) KF8744 .M45. This five-volume set compiles commemorative memorial addresses to 35 Justices;
- *The Supreme Court Justices: A Biographical Dictionary* (Melvin I. Urofsky ed., 1994) Ref KF8744 .S859 (does not include Justice Breyer);
- Timothy L. Hall, *Supreme Court Justices: A Biographical Dictionary* (2001) Ref KF8744 .H35 (includes Justice Breyer);
- *U.S. Supreme Court Justices: A List of All Supreme Court Justices*, <http://www.oyez.org/courts> (includes biographical info).

You can find brief biographies of the current Justices at <http://www.supremecourt.gov/about/biographies.aspx> and brief biographies of all Justices on an interactive timeline of the Supreme Court at <http://www.supremecourt.gov/about/members.aspx>. The **Supreme Court Historical Society** provides an interactive timeline with more expansive biographies of past Justices at <http://www.supremecourthistory.org/history-of-the-court/>.

A very extensive bibliography on the Supreme Court was published a number of years ago: Fenton S. Martin & Robert U. Goehlert, *The U.S. Supreme Court: A Bibliography* (1990) (KF8741.A1 M37 1990). *Supreme Court of the United States: A Bibliography with Indexes* (George Rutland, ed.) (Ref KF8741.A1 R88 2006), partly updates the Martin bibliography with more recent citations.

If you're looking for a quotation from a Supreme Court case, try the *Encyclopedia of Supreme Court Quotations* (Christopher A. Anzalone, ed. 2000) (Ref. KF8742.A35 A59 2000) and online at <http://search.library.duke.edu/search?id=DUKE004302519>. It's organized by general subject, with a more specific subject index, and also includes a table of cases with short case summaries so you have a context for the quotation.

A. Reference

The Supreme Court Compendium: Data, Decisions & Developments (Lee Epstein, et al., 4th ed.) (Ref. KF8742 .E68 2007) is an excellent source for statistics and quick facts. Voting statistics and case summaries for the previous OT are also reviewed in every November issue of *Harvard Law Review* (Periodicals, Level 4).

The Supreme Court A to Z (Kenneth Jost ed., 4th ed.) (Ref. KF8742.A35 S959 2007) contains relatively brief alphabetical entries. *Guide to the U.S. Supreme Court* (David G. Savage, 5th ed.) (2 v.) (Ref. KF8742 .C66 2010) is organized by major topics with a detailed subject index. Both of these also contain lots of photographs.

Landmark Decisions of the United States Supreme Court (Ref. KF4549 .F56 2003 & 2d ed. 2008) provides half-page summaries of approximately 1200 cases, in chronological order.

Biographical Encyclopedia of the Supreme Court: The Lives and Legal Philosophies of the Justices (Melvin Urofsky, ed.) (Ref. KF8744 .B56 2006) is current, providing portraits of every Justice and further readings. Additionally, *U.S. Reports* include memorials to Justices, with "In Memoriam [Justice]" noted on the spine of the appropriate volume.

The *ABC-CLIO Supreme Court Handbooks* series, published in the last five years, surveys Supreme Court decisions and Justices in a historical context. Titles are structured, "The _____ Court: Justices, Rulings, and Legacy" (Jay and Ellsworth, Chase, Taney, Waite, Fuller, White, Hughes, Taft, Stone, Vinson, Warren, Burger, and Rehnquist are currently available) (KF8742; check catalog for complete call number).

The American Supreme Court (Robert G. McCloskey, 5th ed., revised by Sanford Levinson) (KF8742 .M32 2010). The book provides a history of the Court and its great cases and judicial roles. It includes a detailed bibliography and coverage of institutional and doctrinal studies of the Court.

A People's History of the Supreme Court (Peter H. Irons) (KF8742 .I76 2006). This book provides a history of the Supreme Court by grounding important constitutional cases in their social and political context.

"History of the Court" in *The Oxford Companion to the Supreme Court of the United States* (Kermit L. Hall ed., 2d ed. 2005) (Ref. KF8742.A35 O93 2005).

The Illustrated History of the Supreme Court of the United States (Robert Shnayerson, 1986) (KF8742 .S52 1986).

The Documentary History of the Supreme Court of the United States, 1789-1800 (KF8742.A45 D66 1985-1999). This 8-volume set provides the official records, private papers, and other primary sources for the first decade of the Supreme Court. It also includes commentary.

Guide to the Early Reports of the Supreme Court of the United States (Cohen & O'Connor, KF101.8 .C64 1995; also available in HeinOnline's U.S. Supreme Court Library, <http://search.library.duke.edu/search?id=DUKE003131760>), includes bibliographies of early reports and biographical summaries of the early Reporters from Dallas to Wallace.

Extensive research guides include Gail Partin, "Web Guide to U.S. Supreme Court Research," available at <http://lrx.com/features/supremectwebguide.htm>. The Supreme Court Historical Society has also published a useful guide, "Researching the Supreme Court of the United States", http://www.supremecourthistory.org/works/images/SCHS_researching-the-court.PDF. For information about Supreme Court nominees and the nominations process, consult Georgetown's Supreme Court Nominations Research Guide at http://www.ll.georgetown.edu/guides/supreme_court_nominations.cfm.

B. Periodicals

The Law Library collection, Level 4, includes *Harvard Law Review* (see Nov. issues), *Preview* (1974-), *Supreme Court Debates* (1998-), *Supreme Court Economic Review* (1982-), *Supreme Court Historical Society Quarterly* (1981-2000), *Supreme Court Law Review* (1980-), *Supreme Court Review* (2001-), *Supreme Court Watch* (1994-), and *Supreme Court Historical Society Yearbook* (1976-89), which continues as *Journal of Supreme Court History* (1990-).

Many of these journals are available in full-text online through various subscription databases, such as **HeinOnline** and **Academic Search Premier**. Consult the **e-Journals search** (<http://getit@duke.library.duke.edu/?tab=JOURNALS>) for more information.

C. Blogs

SCOTUSblog (<http://www.scotusblog.com>) began in February 2005 and has grown to include commentary, analysis and news, as well as "Case Files" which link to case documents and calendars.

rev. 09/2011 jws