

Citing and Researching Supreme Court Cases

Citation:

Names of cases should always be italicized. In footnotes, cite Supreme Court cases as follows:

Lochner v. New York, 198 U.S. 45 (1905)

This means that the case may be found in Volume 198 of the United States Supreme Court reports, starting at page 45, and that the case was decided in 1905.

Early cases are commonly cited to the name of the court reporter of the time:

Marbury v. Madison, 1 Cranch 137 (1803)

This means that the case may be found in the first volume of Supreme Court reports compiled by Mr. Cranch, starting at page 137. Such a case may also have a standard citation.

Sometimes cases have a different sort of title:

Ex parte Milligan, 4 Wallace 2 (1866) means "On behalf of Milligan"

In re Debs, 158 U.S. 564 (1895) means "In the matter of Debs"

Slaughterhouse Cases, 16 Wallace 36 (1873) is an example of a collective title for a group of cases argued and decided together

The first time a case is mentioned, its citation should be given in a footnote.

In initial and subsequent citations where the name of the case is clear from the text, it may be omitted in the footnote:

198 U.S. 45 (1905)

All of the examples of citations given above refer to the case as a whole. **When you wish to cite a specific page reference, as for a quotation, that information is inserted into the basic citation. Note that the reference to the page on which the case begins is retained:**

198 U.S. 45, 53 (1905) (This is a reference to something on page 53.)

1 Cranch 137, 139-142 (1803) (This is a reference to something on pages 139-142.)

Citations such as those just given imply that the reference is to the decision of the Court (majority opinion) and thus to a point that is part of the official ruling in the case. **References to concurring or dissenting opinions (which do not state the official ruling in the case) should be so indicated:**

Lochner v. New York, 198 U.S. 45, 75-76 (1905) (dissenting opinion)

Whitney v. California, 274 U.S. 357, 374 (1927) (concurring opinion)

In a paper in which you cite Supreme Court cases, books and articles should be listed in a standard bibliography and **a separate Table of Cases should be compiled**, with case names alphabetized and full citations given.

Research:

Bound copies of the United States Supreme Court Reports are in the college library (but the most recent years are not yet available); all cases are available online at several sites. *Lexis-Nexis Legal* can be accessed from the college library web page (<http://libraryweb.washcoll.edu>), under Selected Research Databases. On *Lexis-Nexis Legal*, which comes up on its Search page for law reviews, click on Federal & State Cases at the left. In the search box on the Sources line, select U.S. Supreme Court Cases, Lawyers' Edition (unless you are seeking a state or lower federal court case). You can access a case from either the title (e.g., *Brown v. Board of Education*) or the citation (e.g., 347 U.S. 483). Use the citation if you have it, as that will always take you to the case you are looking for. If you lack the citation and must search by case name, you will almost certainly be given a list of links to various actions the Court has taken, and you will have to determine which one is the official decision you seek.

Cases on this and other online versions may begin with various items of editorial material—case history, disposition, summary, headnotes, syllabus, counsel, etc. Older cases may include arguments made by counsel. All of this material may be helpful to you, but **it is not part of the official decision and must not be cited as if it were**. The official report of the decision begins with the list of participating judges, followed by the opinion(s).

The *Lexis-Nexis* site gives page numbers as they appear in the written Supreme Court Reports; **you are therefore expected to cite the case as if you had used the published version**. Page numbers for several editions are given in this and some other online versions, preceded by 1-3 asterisks to indicate the various editions. **These guidelines direct you to use the pagination for the United States Reports edition—numbers preceded by one asterisk on *Lexis-Nexis*** (e.g., [*486]—but omit the asterisk when citing the page in your paper). Bracketed page numbers are inserted in the online text at the point where pages **begin**.

Note that on the Sources line of the search box, you can also access Preview of United States Supreme Court Cases and U.S. Supreme Court Briefs (the written arguments filed by the parties to a case). For this purpose you must search by case name rather than citation, and the materials are available only for more recent cases.

You can also research relevant law review articles on *Lexis-Nexis*; the page for doing this is the one that appears when you first click on the *Lexis-Nexis Legal* link. Articles from about the last three decades are generally available online. Note that on both this page and the Federal and State Cases page, a Citation Help link on the right and the How do I . . . ? links to the left give more instruction on how to find the material you need.