

## FINDING JUDICIAL OPINIONS

Occasionally throughout the semester I will ask you to read some actual judicial opinions, generally ones from the Iowa Supreme Court. This note is intended to help you locate these opinions. You have two options: the old-fashioned way of finding these opinions in books, called *reporters*, or the high-tech way of finding them on computers.

### A

Parks Library has, in **Tier 2**, all the various reporters that you will need to locate any judicial opinion I ask you to read. Even if you use the high-tech way of finding judicial opinions in the future, you should, early in the semester, visit this Tier, find the books discussed below, and familiarize yourself with them.

Decisions of the Iowa Supreme Court and Iowa Court of Appeals are located in the Northwestern Reporter, both first and second series. (When the number of volumes in a particular series gets to 1000, a new series is started. All of the cases I ask you to read will be in the second series.) A typical citation to a decision of the Iowa Supreme Court, for example, may look something like: “*Smith v. Jones*, 458 N.W.2d 567 (Iowa 1998)”. This tells you that the name of the case is Smith v. Jones (i.e., Smith is the plaintiff, Jones is the defendant), that the case appears on page 567 of volume 458 of the Northwestern Reporter (Second Series), and that it was decided by the Iowa Supreme Court in the year 1998. In legal writing the name of the case is generally italicized or underlined. Had this imaginary case been decided by the Court of Appeals, the end of the citation would have read “(Iowa App. 1998)”. The Northwestern Reporter can be found in Tier 2 at KF135 N7. You can find them in the computer catalog under the name “West’s Northwestern Reporter”.

Decisions of the Federal district court are found in a reporter called Federal Supplement, abbreviated F.Supp or F.Supp.2d. The method of citing such a decision is the same as described above: case name, volume, reporter, page, followed by a parenthetical description of the court which issued the opinion and the year in which it was issued. The parenthetical, for example, may look something like “(N.D. Iowa 2000)”, which would indicate that it was the federal district court for the Northern District of Iowa which issued this opinion in the year 2000. (Iowa has two federal districts, Northern and Southern.) These reporters can be found in Tier 2 at K A1 F31. They are in the computer catalog under the name “West’s Federal Supplement”.

Decisions of the federal circuit courts of appeals can be found in the Federal Reporter, now up to its third series, and denoted in citations by F, F.2d or F.3d. These can be found in Tier 2 at K A1 F33. Iowa is in the Eighth Circuit. Citation style for these opinions follows the same general framework: name, volume, reporter, page, followed by a parenthetical stating the name of the court which decided the case and the year in which it was decided. For example, a citation to an Eighth Circuit case would look like “*Smith v. Jones*, 458 F.3d 567 (8<sup>th</sup> Cir. 2001)”.

Decisions of the United States Supreme Court are found in three reporters: the United States Reporter, the Supreme Court reporter, and the Supreme Court Reports Lawyer’s Edition. We will

not read any U.S. Supreme Court decisions this semester, but as an exercise you should try and determine which of these three reporters Parks Library has and where in Tier 2 they are located.

## B

There is also a computer-based way of finding cases. There is a wonderful electronic research device called WESTLAW which allows people to find cases by citation or by punching in key words that are found in the judicial opinion. The latter option is a great way to find opinions on certain issues, provided you are reasonably proficient in formulating decent search requests. I will not ask you during this semester to actually do any legal research, but you can use WESTLAW to find and print any of the opinions I ask you to read.

Attorneys pay for the privilege of subscribing to WESTLAW, but ISU provides this free of charge to students and faculty. All you'll need to access it is the internet, your ISU number and library pin number. Start by going to

<http://www.lib.iastate.edu/collections/db/westlaw.html>

and follow directions from there.

Finally, it should be noted that the webpage of the Iowa Supreme Court also allows you to search for cases by keywords or by name, but only from 1998 to the present. This excellent website also allows you to watch videos of actual Iowa Supreme Court arguments done within the last year or so (though I have never been able to play any of the videos on a Mac). As an exercise, find the general webpage of the Iowa Judicial Branch, then find the links on the left side of the page that will take you to the videos and to the opinion archive.

## C

Here are five decisions of the Iowa Supreme Court that we will discuss this semester, listed in what I think is the order we will discuss them. I may also assign other cases from time to time, but these five will certainly be discussed. You should either download, print or copy them so that they will be available when necessary. The *Midwest Dredging* case, in particular, should be printed, so that you can bring it to class with you; we will discuss it extensively, as it addresses several different issues that are important in construction law.

*Garling Construction, Inc. v. City of Shellsburg*, 641 N.W.2d 522 (Iowa 2002)

*Milholin v. Vorhies*, 320 N.W.2d 553 (Iowa 1982)

*Midwest Dredging v. McAninch*, 424 N.W.2d 216 (Iowa 1988)

*Rohlin Construction Co. v. City of Hinton*, 476 N.W.2d 78 (Iowa 1991)

*RPC Liquidation v. Iowa DOT*, 717 N.W.2d 317 (Iowa 2006)

