

Researching Case Law: Part 1

Court Structure and Case Citations

Legal Research Center Video Series

Liz Parker



What is it?

- **Case Law:** The law to be found in the collection of reported cases that form all or part of the body of law within a given jurisdiction.

Caselaw, BLACK'S LAW DICTIONARY (11th ed. 2019)

General Court Structure

Weight of authority

Court of last resort

- Most cases never get this far

Intermediate appellate courts

- Usually where an appeal of a trial court decision goes

Trial court

- Almost all cases will start here

- Most authoritative for that jurisdiction

- Next best
 - binding on lower courts within direct line of appeal
 - persuasive for other lower courts

- Decision is binding on the parties, but generally not authoritative for other cases
- May be persuasive in the absence of other authority

Case Law defined

- **Case Law:** The law to be found in the collection of reported cases that form all or part of the body of law within a given jurisdiction.

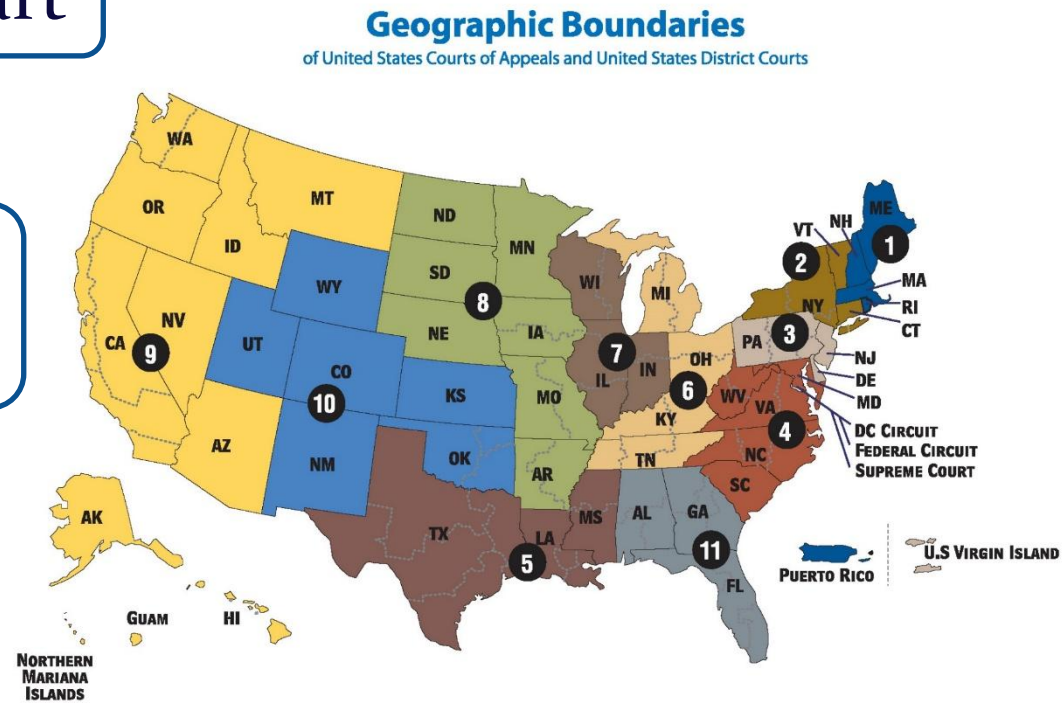
Caselaw, BLACK'S LAW DICTIONARY (10th ed. 2014)

Federal Courts

U.S. Supreme Court

Circuit Courts of Appeal

District Courts



Federal Case Reporters

How many cases are published?

U.S. Supreme Court

- U.S. Reports (U.S.) – official
- Supreme Court Reporter (S. Ct.) - West
- Supreme Court Reports Lawyer's Edition (L. Ed.) – Lexis

All

Circuit Courts of Appeal

- Federal Reporter (F., F.2d., F.3d)

Most

District Courts

- Federal Supplement (F. Supp., F. Supp. 2d)

Some

California Courts

California Supreme Court

Courts of Appeal

Superior Courts

State of California • Courts of Appeal Appellate Districts



California Case Reporters

How many cases are published?

California Supreme Court

- California Reports (Cal., Cal. 2d, Cal. 3d, Cal. 4th) – official
- West's California Reporter (Cal. Rptr. – Cal. Rptr. 3d)
- West's Pacific Reporter (P. – P.3d)

Few

Courts of Appeal

- California Appellate Reports (Cal. App. – Cal. App. 4th) - official
- West's California Reporter
- West's Pacific Reporter

Few

Superior Courts

- n/a

None

West Digest System

- Research tool for finding cases by topic
- Uses a combination of
 - broad subject areas (topics)
 - specific issues (noted by what they call “key numbers”), and
 - short descriptions of cases (called “headnotes”).
- See Key Numbers and Headnotes video

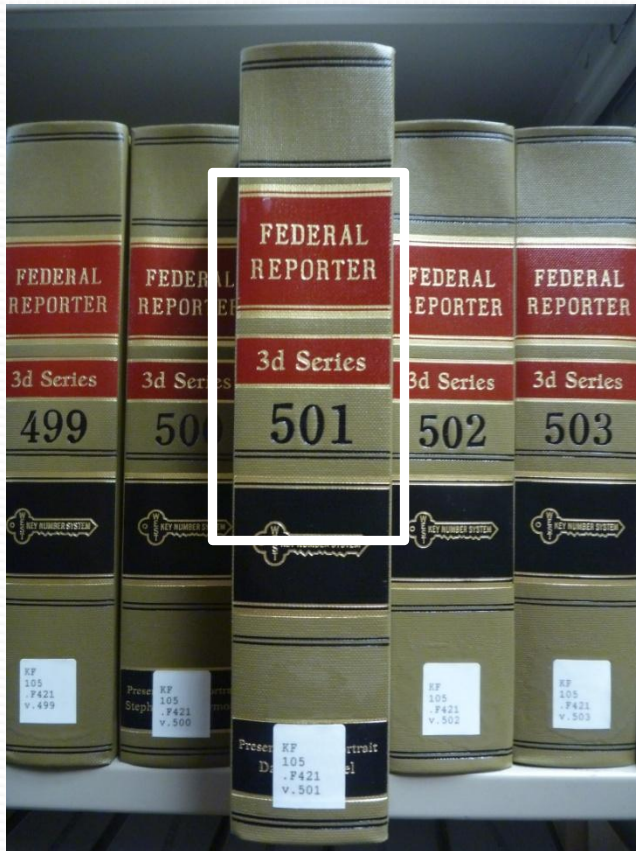
Case Law Citation



Steps to finding a case in print

1. Figure out which case law reporter set you need by going to the Bluebook Table 1 (e.g., what does F.3d represent?)
2. Note any series designation for that reporter (e.g., F.3d versus F.2d)
3. Find the reporter in the LRC
4. Pull the volume
5. Turn to the starting page

Example: 501 F.3d 297



neys' fees to the Fund in the amount of \$28,623.14.



BROADCOM CORPORATION,
Appellant

v.

QUALCOMM INCORPORATED.

No. 06-4292.

United States Court of Appeals,
Third Circuit.

Argued: June 28, 2007.

Filed: Sept. 4, 2007.

Background: Participant in cellular telephone market brought action against competitor making claims under Sherman Act and Clayton Act, state law, and common-law. The United States District Court for the District of New Jersey, Mary Little Cooper, J., 2006 WL 2528545, dismissed action. Participant appealed.

Holdings: The Court of Appeals, Barry, Circuit Judge, held that:

- (1) participant stated monopoly power claim;
- (2) participant adequately alleged that competitor possessed monopoly power in relevant market;
- (3) participant adequately alleged that competitor obtained and maintained its market power willfully;
- (4) participant adequately stated on its claim of attempted monopolization that competitor engaged in predatory or anticompetitive conduct;
- (5) participant adequately alleged competitor's specific intent to monopolize;
- (6) participant adequately stated that there was dangerous probability of competitor obtaining monopoly power;

(7) participant lacked standing to assert monopoly maintenance claim; and

(8) hypothetical anticompetitive conduct, speculative monopoly power, and remote injuries did not merit extreme remedy of divestiture.

Affirmed in part, reversed in part, and remanded.

1. Federal Courts ⇌763.1

A district court's dismissal of a complaint for failure to state a claim upon which relief can be granted is subject to plenary review. Fed.Rules Civ.Proc.Rule 12(b)(6), 28 U.S.C.A.

2. Antitrust and Trade Regulation ⇌621, 644

Monopoly power liability under the Sherman Act requires (1) the possession of monopoly power in the relevant market and (2) the willful acquisition or maintenance of that power as distinguished from growth or development as a consequence of a superior product, business acumen, or historic accident. Sherman Act, § 2, 15 U.S.C.A. § 2.

3. Antitrust and Trade Regulation ⇌641

Monopoly power in violation of the Sherman Act is the ability to control prices and exclude competition in a given market; if a firm can profitably raise prices without causing competing firms to expand output and drive down prices, that firm has monopoly power. Sherman Act, § 2, 15 U.S.C.A. § 2.

4. Antitrust and Trade Regulation ⇌977(3)

Under the Sherman Act, the existence of monopoly power may be proven through direct evidence of supra-competitive prices and restricted output. Sherman Act, § 2, 15 U.S.C.A. § 2.

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