

Useful Resources for Federal Court Practice

By Randy Foreman

With the exception of bankruptcy and tax specialists, most of us rarely practice in federal court. It is understandable, then, that we lack ready access to the federal resources that we need. While books in the law office are becoming increasingly rare, online access has become increasingly affordable. A “Michigan only” subscription with Lexis or Westlaw tends to be the norm. But most of these plans, while providing ample Michigan cases and statutes, generally come up somewhat short when it comes to the federal materials that we need. But good news: most of the primary federal materials we need can be had for cheap, or even free!

Online Cases

FindLaw is probably the best Internet site for free federal resources. At www.findlaw.com/casecode, you'll find links to U.S. Supreme Court cases going back over 100 years and federal courts of appeals opinions covering the last 10 years. The cases are full-text searchable. You'll also find links to the U.S. Code, the Code of Federal Regulations (CFR), and the Federal Register.

You can find federal and state cases for the last two years at www.lexisone.com. You can use advanced boolean (terms and connectors) searching just as you would with your Lexis or Westlaw subscription. You must register, and the hyperlinks to other cases and statutes won't work unless you pay.

There are no federal district court opinions at FindLaw. Some of the federal district courts provide access to their published cases going back a few years, but access is poor. The federal court for the Eastern District of Michigan, for example, provides a

handful of cases sorted by judge going back about five years. It also provides access to published opinions via PACER using ECF (electronic case filing). The Western District court only provides access via PACER. Opinions from PACER are (almost) free, but do not provide full-text searching, so you need to know the name or docket number of your case.

While FindLaw and LexisOne provide a relatively easy way to access federal court opinions, in my opinion, a more reasonable way to access cases and statutes outside of your Westlaw and Lexis plans is to purchase a supplemental service from one of the up-and-coming providers. The ones I know about are Versus Law, National Law Library, LawProbe, Loislaw, and Fastcase. Prices vary from \$40 to \$140 a month for access to all state and federal cases, statutes, and regulations. At least one of the services offers an a-la-carte option of only \$10 for five days, full access. Of course, you can always change your Lexis or Westlaw plan to include federal materials. Or—my personal favorite—visit your local law library.

Online Statutes and Regulations

FindLaw is also a great place to find and search federal statutes. From www.findlaw.com/casecode/uscode.html, you can search

by citation as well as full text. Federal statutes can also be found at uscode.house.gov and www4.law.cornell.edu/uscode.

Federal websites seem to be about the best place to find federal administrative regulations. The newest federal regulations can be found at www.gpoaccess.gov/fr, while the compiled version of those regulations is found in the CFR at www.gpoaccess.gov/cfr. Both of these sites allow full-text searching.

In-Print Cases, Statutes, Regulations, and Court Rules

In case any of you have forgotten, there are three sets of Supreme Court reporters: one official, one published by Lexis, and one published by West. West also publishes *Federal Reports* for courts of appeals decisions and *Federal Supplement* for the handful of published trial court opinions. Additionally, West publishes *Federal Rules Decisions*, which only covers cases involving federal rules that have not been published in the other West reporters. Subject access to West-published cases is through the various editions of the *Federal Practice Digest*.

For printed statutes there are, of course, *United States Code Annotated* (USCA), published by West, and *United States Code Service* (USCS), published by Lexis. Both contain case summaries and, as you know, are

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probably the best resources for finding opinions interpreting statutes.

For regulations, our main options are the official government publications, *Federal Register* (FR), which is the daily list of new administrative regulations, and the *Code of Federal Regulations* (CFR), which is the compiled version of those same regulations.

While federal court rules are available from both Westlaw and Lexis, it may be in your best interest to purchase a copy of the federal rules. West's *Federal Rules for Michigan* includes not only the federal rules, but also specific local rules for the Eastern and Western districts and the Sixth Circuit Court of Appeals.

In-Print Treatises and Formbooks

While treatises and formbooks of model pleadings and motions can be found on Westlaw and Lexis, they are generally not part of a Westlaw or Lexis subscription. They can be pricey, so if you have the option, you may want to view them at your local law library. If not, you can access them from West and Lexis a-la-carte, but you must be efficient or you could end up spending quite a bit of money. Almost all of the titles that follow are also available from Westlaw or Lexis.

- *Federal Practice and Procedure* (Wright & Miller). This 57-volume treatise provides exhaustive coverage of almost all aspects of criminal, civil, and appellate procedure. It is updated annually by pocket part. Individual topics vary in size from 50 to 500 pages and include commentary and federal court summaries of relevant cases. This title is also available on Westlaw.
- *West's Federal Forms*. This multi-volume West publication is the companion to the West treatise, *Federal Practice and Procedure*. This title is also available online from Westlaw.
- *Moore's Federal Practice*. This multi-volume treatise on federal procedure is published by Lexis and is updated annually by loose leaf. Chapters are arranged by federal rule. It is available on Lexis.
- *Bender's Federal Practice Forms*. Published by Lexis, this multi-volume set of model pleadings and motions is the companion to *Moore's Federal Practice*. While primarily a form book, about 10 percent of the text consists of comment and instructions on how and when to use the various models. For example, the rule 56 (summary judgment) chapter contains 41

pages of commentary and over 300 pages of model pleadings, briefs, and motions. This title is available online from Lexis.

- *Federal Procedure, Lawyers Edition*. This is another multi-volume treatise of federal procedure. It is sorted by topic rather than court rule (distinguishing itself from Wright & Miller's *Federal Practice Procedure* and *Moore's Federal Practice*, which are arranged by court rule) and updated annually with pocket parts. This title is available online from Westlaw.
- *Federal Procedural Forms, Lawyers Edition*. Published by West and updated with pocket parts, this title is the companion title to *Federal Procedure, Lawyers Edition*. There are model litigation forms for civil, criminal, and administrative matters. It is available online from Westlaw.
- *Federal Litigation Guide*. This four-volume loose-leaf treatise from Lexis covers everything from pretrial through appeal. It is available online from Lexis.
- *Practice Before Federal Magistrates*. This is a one-volume loose leaf published by LexisNexis. Like most of these treatises and formbooks, it is updated annually. The title covers criminal and civil procedural issues related to practice before federal magistrates. It is available online from Lexis.
- *Law of Federal Courts* (2002) (Charles Wright and Mary Kay Kane). This is a West Hornbook. The first half deals with jurisdiction and the second half with civil procedure, following the federal court rules. It is available in print only. ■



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