

**APPENDIX #3:
UNREPORTED OPINIONS**

As a general policy, the *Vermont Law Review* seeks hard copies of source material whenever possible. This policy is satisfied by photocopies of original printed volumes and by printouts from PDF documents. Only if all attempts to obtain sources by these methods have been exhausted should resort be made to electronic sources. (Note that you should also include parallel citations to Westlaw or Lexis versions of the opinion.)

Unreported opinions (slip opinions). If you are assigned a case with an unreported opinion, search for it as follows:

1. Look for a PDF version of the opinion on the court's website. Especially for circuit courts, the website should carry the court's opinion.
2. The parties themselves may have websites with their submissions and the court's opinion. Don't spend more than a few minutes on this search.
3. If neither of the above gets you what you're looking for, see if the opinion is in the Federal Appendix, determine the citation and location, and let your PC know what you've learned.
 - a. You'll probably need to use WorldCat to verify the nearest university that carries the Fed. Appx. It may be as far away as Columbia University.
 - b. Your PC can then request an ILL from the Fed. Appx. or, alternatively, request a copy from the author.
 - c. Wait to hear back from your PC before you continue your search.
4. Call the court and see if the clerk can send you the opinion. If the court charges for this service, they may be willing to waive or reduce them if you mention that you are a member of the Law Review and that it's for an educational purpose.
 - a. Last year, a staff member got a hold of court documents by this method. The district court in Pennsylvania sent a copy of the opinion for about \$1, with a turnaround time of about a week.
 - b. By contrast, this year, in seeking an unreported Oregon Dist. Ct. opinion from 1997, a staff tried this method of calling the court. The clerk of the court said that they no longer had the file, which had been moved to Federal Records in Seattle. Getting the opinion through either the court's request or through federal records would cost at least \$75. The staff member reasonably concluded that it might be easier to seek the opinion from the author.
 - c. If you can get a hold of the opinion by this method for a reasonable cost, you are eligible to be reimbursed. Try to get a receipt from the court. There are reimbursement forms below Business Manager's mailbox in the Law Review office. Fill out the form and put it in his or her mailbox, along with the receipt.

Citation form for unreported opinions.

1. For opinions that you find through the Federal Appendix, cite directly to that. Under BB rule 10.5(a), you do not need the exact date of the decision for unpublished but reported cases.

Example: United States v. Collins, 129 F. App'x 213 (6th Cir. 2005).

2. For other opinions, including slip opinions, cite like an unpublished decision, following the model on page 80 of the Bluebook, and include a parallel citation to Westlaw or LexisNexis. If you were able to locate the decision on a website, include an *available at* hyperlink. Note that under BB Rule 10.5(b), you *do* need the exact date for cases that are neither reported nor published.

Example: Nalin v. Neeka Accountancy Corp., No. 96-7486, slip op. at 4, 2008 WL 1748340 (Apr. 17, 2008), *available at* <http://neekacorporation.com/new/neekacorporation/967486.pdf>.

Note that since the opinion itself contains a date, it is unnecessary to include a (last visited) parenthetical at the end of the citation. *See* BB rule 18.2.3(e).

END OF DOCUMENT

Document history:

Originated by Damon Amyx
Updated by Albert Vanderlaan

September 05, 2009
July 12, 2009