

For information on basic case law research see the **Finding Cases** research guide.

STRUCTURE OF THE IDAHO COURT SYSTEM

Idaho has a unified court system, meaning that all state courts are administered and supervised by the Idaho Supreme Court, which is the head of the judicial branch of the Idaho government. In order of descending rank, beneath the Idaho Supreme Court are the Court of Appeals, the District Courts, the Magistrate Division, and the Small Claims Department.

Appeals are taken from the Magistrate Division by the District Court. If a case is appealed from the District Court, it is appealed to the Idaho Supreme Court. If the Idaho Supreme Court grants the appeal, then a case may be sent to the Court of Appeals or taken up directly by the Idaho Supreme Court. A case sent to the Court of Appeals may be subsequently appealed back to the Idaho Supreme Court.

Since small claims courts are structured for speed and efficiency, there is, generally, no appeal from Small Claims to the Magistrate or District Court.

PUBLICATION OF IDAHO DECISIONS

The decisions of the Idaho Supreme Court and the Idaho Court of Appeals appear in a number of publications. In order of publication these are:

- a. **Slip Opinions.** Slip opinions are only available online on the State Judiciary website (www.isc.idaho.gov). Opinions are posted as soon as available, usually the day of the decision.
- b. **Lexis and Westlaw.** Decisions are available next on Lexis or Westlaw. Recently decided cases that have not been released for publication are still subject to revision or withdrawal. Both Lexis and Westlaw provide access to Idaho cases published in the *Pacific Reporter* and *Idaho Reports*, as they become available. Lexis and Westlaw are subscription only services, requiring a password for access.
- c. **Idaho Supreme Court Report (ISCR) and Idaho Court of Appeals Report (ICAR)** are commercial advance sheets services for the two Idaho appellate courts. These reports are combined into one publication. There tends to be a 1-2 week lag-time in publication.

Each issue contains the following:

1. A list of decisions in that issue with a short summary of the case;
2. A cumulative table of cases arranged alphabetically, and by opinion number;
3. A statute index which provides citations in ISCR and ICAR to Idaho Code sections and Constitutional provisions, Idaho Court Rules, and U.S. Code sections;
4. A table of cases annotated with information about rehearing petitions, substituted opinions, and the like. Once the opinion is in final form and is published in the Pacific Reporter, the Pacific Reporter citation is set out in the table.

Idaho Supreme Court Report (ISCR) and Idaho Court of Appeals Report (ICAR) are on Reserve at KFI45.A32.

d. **Pacific Reporter.** The opinion appears next in the advance sheets to the *Pacific Reporter*. Publication in the Pacific advance sheets does not occur until the time for rehearing has expired. If any consideration is given to the rehearing request, publication can be substantially delayed.

The opinion is next published in the bound volume of the *Pacific Reporter*.

Copies of the Pacific Reporter are found in various locations in the library. Consult the Finding List at the Circulation Desk for specific shelf locations.

e. **Idaho Reports.** *Idaho Reports* is the official reporter for Idaho appellate courts. It collects decisions of the Supreme Court and the Court of Appeals of the State of Idaho. Each volume has a digest index, a table of statutory provisions construed and a words and phrases section.

While the page numbers in *Idaho Reports* differ from the *Pacific Reporter* page numbers, the text on each page is otherwise identical.

Idaho Reports has no advance sheet. It may be up to six months before a case appears.

Idaho Supreme Court and Court of Appeals decisions for the current term are available on the State Judiciary website (www.isc.idaho.gov).

Copies of the *Idaho Reports* are found in various locations in the library. Consult the Finding List at the Circulation Desk for specific shelf locations.

f. **Idaho Worker's Compensation Cases.** This reporter contains decisions of the Supreme Court and the Court of Appeals as well as decisions of the Worker's Compensation Board. It has a monthly list of cases and a monthly subject index using

broad subject terms. It is now available on CD-ROM. Idaho Worker's Compensation Cases is on Reserve at KFI342.A15I4.

Idaho Worker's Compensation decisions from 2002 to present are also available on the Idaho Industrial Commission website (www.state.id.us/iic).

g. **Loose-Leaf Services.** Many loose-leaf services offer timely publication of case law on specific topics. Recent Idaho cases on environmental issues, for example, may be found in the *Environment Reporter*, published by the Bureau of National Affairs, or in the *Environmental Law Reporter*, published by the Environmental Law Society.

FEDERAL COURT DECISIONS ARISING IN IDAHO

Idaho cases that fall under federal court jurisdiction can be found in the appropriate federal court reporter:

U.S. Supreme Court – U.S. Reports, Supreme Court Reporter, U.S. Supreme Court Reports, Lawyer's Edition.

Ninth Circuit Court of Appeals – Federal Reporter 1st, 2d, and 3d series.

U.S. District Court of Appeals – Federal Supplement 1st and 2d series.

Idaho Bankruptcy Court Report. This reporter contains the opinions of the U.S. Bankruptcy Court, District of Idaho. It has a table of statutory sections construed. Idaho Bankruptcy Court Report is on Reserve at KFI49.B3.

Bankruptcy Court opinions from Feb. 1999 – July 2001 are available online at the United States Courts-District of Idaho website (www.id.uscourts.gov).

RESEARCHING IDAHO CASE LAW

Researching Idaho case law is like researching case law in any state. The usual sources of information, i.e. treatises, periodical indexes, encyclopedias, ALRs, digests, Lexis, or Westlaw, can all be used to find cases. The library has short handouts on most of these research tools available for use.

a. **Idaho Digest.** Digests cases from 1866 to present. Cases are arranged by West Topic and Key Number and can be searched by a Table of Cases or Descriptive Word (subject) index.

Copies of the Idaho Digest are found in various locations in the library. Consult the Finding List at the Circulation Desk for specific shelf locations. See the **Using Digests** research guide for basic digest information.

b. **Pacific Digest.** This set digests cases from 1860 to date for those states and reporters covered by the Pacific Reporter. There are five parts to this set. Each part covers a span of Pacific Reports. Each set must be consulted if you wish to have complete coverage. Case digests are arranged alphabetically by state in declining order of court, and then in reverse chronological order.

SHEPARD'S IDAHO AND PACIFIC REPORTER CITATIONS

A. **Shepard's Idaho Citations** cites cases only from Idaho appellate court opinions and federal courts sitting in Idaho. Shepard's Idaho Citations includes a "Table of Idaho Acts by Popular Names or Short Titles" and citations to the Idaho Constitution, statutes, Idaho Court Rules, Idaho Jury Instructions, and Ordinances. Shepard's Idaho Citations are on Lexis and Westlaw.

Shepard's Idaho Citations is most useful for verifying that a case is still good law and has not been overruled or reversed or for researching specific Idaho problems.

B. **Shepard's Pacific Reporter Citations** has an interstate focus. It cites cases from all state and federal courts. Shepard's Pacific Reporter Citations does not cite to state statutes or to state or national law journals. Shepard's Pacific Reporter Citations is useful as a research tool to find persuasive cases in other states. The Pacific Reporter is published before Idaho Reports, so for a short time only the Pacific Reporter citation will be available. Shepard's Pacific Reporter Citations are on Lexis and Westlaw.

C. **Idaho Blue & White Book.** This annual paperbound text contains two sections. The Blue section is arranged by Idaho Reports citation and gives Pacific Reporter citation for the same opinion. The White section is arranged by the Pacific Reporter citation and gives the Idaho Reports citation where the same opinion may be found. The Blue & White Book is shelved in the Reference collection at KFI47.4 I33.

When conducting research, using both Shepard's Idaho Citations and the Pacific Reporter Citations can be helpful since both contain information not included in the other.

FINDING HISTORICAL MATERIALS

a. **Idaho Records and Briefs.** After the decision in a case, a copy of the court records and briefs for the Idaho Supreme Court and the Idaho Court of Appeals is distributed to the University of Idaho College of Law Library. The collection is not comprehensive.

The Law Library does not receive copies of court records that have been sealed by the court.

The Idaho Records and Briefs database can be accessed from the Law Library homepage (www.law.uidaho.edu/library).

b. **United States Supreme Court Briefs.** After the decision in a case, a microfiche copy of the petitions and briefs are received by the University of Idaho College of Law Library. The collection is not complete. Recent briefs are available on Lexis and Westlaw.

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