

## Federal Courts: Structure, Jurisdiction, & Research - Transcript

STANDING BY FOR REALTIME CAPTIONS.

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THIS IS THE FIRST AUDIO CHECK. WE WILL DO ANOTHER ONE IN TWO MINUTES. THANKS.

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WELCOME TO THE WEBINAR. WE WILL BE GETTING STARTED IN JUST A COUPLE OF MINUTES.

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ADD GOOD AFTERNOON. WELCOME. A VOLUNTEER ATTORNEY. TODAY SHE WILL GIVE AN INTRODUCTION AND TO GIVE COURT OPINIONS AND FILINGS. ALL RIGHT SARA. IT IS ALL YOURS.

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HI EVERYBODY. SORRY, I'M A BIT NERVOUS HERE. BEFORE WE GET STARTED I WANT TO DO MY STANDARD DISCLAIMER. THIS IS NOT LEGAL ADVICE. IF YOU REQUIRE LEGAL ADVICE, GET AN ATTORNEY PRACTICING IN YOUR JURISDICTION. MANY OF YOU ARE NON-LAW LIBRARIANS SO BEFORE I BEGIN, I WANT TO EXPLAIN GENERAL CONCEPTS WHEN DISCUSSING COURTS. THE BASIC TERMINOLOGY I WOULD LIKE TO TALK ABOUT IS STANDING TO BRING A CASE, TRIAL COURTS AND APPELLATE COURTS AND CAUSE OF ACTION.

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STANDING IS WHETHER YOU ARE THE PERSON WHO IS ELIGIBLE TO BRING THIS CASE. ARE YOU A SUITABLE PLAINTIFF? TO HAVE STANDING YOU NEED TO HAVE AN INJURY THAT THE LAW RECOGNIZES, A DEFENDANT THAT CAUSED THE INJURY AND A REMEDY FOR THE COURTS TO SET THE MATTER RIGHT. COURTS CANNOT ADJUDICATE A POLITICAL QUESTION. A POLITICAL QUESTION IS SOMETHING THE CONSTITUTION A SAINTS TO ANOTHER BRANCH FOR THOSE IN AN IMPEACHMENT CASE INVOLVING A JUDGE NIXON. THE COURT

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THERE ARE NO STANDARD TOSS FINDING A REPUBLICAN FORM OF GOVERNMENT. THIS COMES UP IN CASES OF MALL A PORTIONMENT WHICH IS SETTING UP DISTRICTS -- FOR EXAMPLE PITTING AREAS DIFFERENT AREAS OF PREDOMINANTLY MINORITY COMMUNITY IN DISTRICTS AND THEY ARE OUTNUMBERED BY NONMINORITY VOTERS AND THEREFORE REMOVING THEIR CONGRESS PERSON THAT ELECTS THAT COMMUNITY'S INTEREST.

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THIS IS A TYPICAL STANDING EXAMPLE. AN INJURY THAT THE LAW RECOGNIZES. GEORGE FLOYD IS DEAD. A REMEDY THE COURT CAN SET. THIS WOULD NOT BRING HIM BACK, BUT HARM THE DEATH CAUSED HIS FAMILY. A THE NEXT CONCEPT IS TRIAL COURTS AND APPELLATE COURTS. TRIAL COURTS DECIDE THE FACTS PLUS THE LAW. THEY DECIDE WHAT HAPPENED AND WHETHER IT'S SATISFIED THE ELEMENTS OF THE CAUSE OF ACTION. APPELLATE COURTS DECIDE WHETHER THE TRIAL COURT APPLIED THE LAW AS TO THE FACTS CORRECTLY AND THEY DON'T ARGUE THE FACTS. SO AIM GOING TO DO A THREE PART HYPOTHETICAL HERE.

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WE'RE GOING TO TALK ABOUT COMMON-LAW BATTERY. COMMON-LAW IS WHAT ONE LEARNS IN LAW SCHOOL, BUT IT IS NOT NECESSARILY THE LAW OF A SPECIFIC STATE. SO IN THIS CASE, COMMON-LAW BATTERY INVOLVES A VOLUNTARY ACT. VAL TORE ACT AS OPPOSED TO A MUSCLE SPASM OR SEIZURE AND THAT WAS INTENDED OR REASONABLY CERTAIN TO RESULT IN HARMFUL OR OFFENSIVE CONTACT AND THE HARMFUL OR OFFENSIVE CONTACT OCCURRED SO TO WIN YOU HAVE TO HAVE ALL THREE OF THESE ELEMENTS. HE IS WALKING DOWN THE STREET. CARLA WHO DOESN'T KNOW YA GO. HE SNACKS HER BOTTOM. THE JURY OR IN A BENCH TRIAL, THE JUDGE, WOULD NEED TO DECIDE DID YA GO MAKE CONTACT WITH CARLA? WAS HIS ACTS INTENDED TO CAUSE CONTACT THAT A REASONABLE PERSON

WOULD CONSIDER HARMFUL OR OFFENSIVE? WAS IT A VOLUNTARY ACT? IF HE HAS DONE ALL THREE OF THESE THEN THERE IS A CASE. WOULD A REASONABLE PERSON CONSIDER A STRANGER SMACKING HER BOTTOM AN OFFENSIVE CONTACT?

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SCENARIO TWO IS THE SAME AS ONE, BUT IT IS MARDI GRAS AND SHE IS WEARING A COSTUME SIMILAR TO MARTY'S GIRLFRIEND'S COSTUME. THE HARMFUL OR OFFENSIVE CONTACT OCCURRED AND IT WAS VOLUNTARY BUT WAS HIS ACT INTENDED TO CAUSE CONTACT THAT A REASONABLE PERSON WOULD CONSIDER HARMFUL OR OFFENSIVE?

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IN APPLYING THE LAW TO THIS FACT, IF HE WAS MISTAKEN ABOUT CARLA'S IDENTIFICATION WOULD THAT STILL CAUSE OFFENSIVE CONTACT BECAUSE HIS GIRLFRIEND THOUGHT IT WAS A MIZING WHEN HE SMACKED HER BOTTOM. CARLA MIGHT GO TO AN APPEAL COURT THAT THAT SAID IT DID NOT MISTAKE THE INTENT.

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HYPOTHETICAL THREE.

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YA GO WAS WALKING HIS DOG. VERY LARGE DOG. THE DOG PULLS IN TONIGHT GROUND. AS HE FALLS, HE REACHES OUT HIS HAND TO STEADY HIMSELF AND HIS HAND COMES IN CONTACT WITH CARLA. YES, THE CONTACT OCCURRED BUT IT WASN'T A VOLUNTARY ATTACK SO IT DIDN'T HAVE THAT OF BATTERY. A IF YOU HAVE COMMENTS, PUT THEM IN THE CHAT.

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LET ME CHECK THE CHAT HERE.

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NO QUESTIONS SO FAR.

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NO QUESTIONS. OKAY.

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I'LL GET BACK TO PARTICIPANTS HERE.

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OKAY. NEXT WE ARE GOING TO INTRODUCE THE FEDERAL COURT SYSTEM. AND I WILL TALK ABOUT ITS STRUCTURE. A THE FEDERAL COURT SYSTEM WAS ESTABLISHED BY ARTICLE 3 OF THE CONSTITUTION WHICH SAYS THE JUDICIAL POWER OF THE UNITED STATES SHALL BE VESTED IN ONE SUPREME COURT IN -- FROM TIME TO TIME -- IT DIDN'T TELL CONGRESS HOW TO SET UP THE SYSTEM.

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BEFORE THE FEDERAL COURTS WERE CREATED THE STATES HAD THEIR OWN SO THERE WERE TWO COURT SYSTEMS IN THE UNITED STATES. THE SUPREME COURT IS THE COURT OF FINAL APPEAL FOR BOTH STATE AND FEDERAL COURT. AS YOU CAN SEE FROM THIS ILLUSTRATION, A CASE WAS MOVED FROM THE STATE TRIAL COURT TO THE STATE APPELLATE COURT TO THE STATE SUPREME COURT TO THE SUPREME COURT OF THE UNITED STATES.

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THE FEDERAL TRIAL COURTS ARE CALLED DISTRICT COURTS. THERE ARE 94 OF THEM WITH AT LEAST ONE IN EACH STATE. THEY APPEAL TO THE FEDERAL CIRCUIT COURTS WHICH APPEALS TO THE SUPREME COURT. DOES ANYBODY HAVE ANY QUESTIONS?

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I'LL CHECK THE CHAT HERE.

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OKAY.

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THIS IS A MAP OF THE UNITED STATES FEDERAL COURTS. I LIVE IN OHIO WHICH IS DIV VLADE INTO THE NORTHERN AND SOUTHERN DISTRICT. IF I WERE TO BRING A CASE IT WOULD LIKELY BE IN OHIO SO IF I NEEDED TO APPEAL, I WOULD APPEAL IT TO THE SIXTH CIRCUIT COURT AND THEN TO THE FEDERAL TROOP COURT. I SEE SOMETHING FLASHING HERE. IS THERE A QUESTION?

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NO.

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YES. MARK IS ASKING DO THE DISTRICTS OVERRIDE STATE BOUNDARIES?

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IT DOES NOT APPEAR SO.

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THE DISTRICT -- THE -- NO. DISTRICT COURTS DO NOT OVERLAP STATE BOUNDARIES.

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GOOD QUESTION. THANK YOU.

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NEXT WE'RE GOING TO TALK ABOUT JURISDICTION. THE JURISDICTION IS WHETHER A COURT IS PERMITTED TO SIDE A PARTICULAR SIDE OF CASE. IT IS A COMPLICATED SUBJECT AND THIS IS A VERY SIMPLIFIED VERSION OF THE RULES.

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THE FIRST TYPE OF SUBJECT MATTER JURISDICTION WE'RE GOING TO DISCUSS IS FEDERAL QUESTION JURISDICTION. ARTICLE 3 SECTION 2 OF THE CONSTITUTION SAYS THE JUDICIAL POWER SHALL EXTEND ALL CASES IN LAW AND EQUITY UNDER THE CONSTITUTION AND THE LAWS OF THE UNITED STATES. LAW AND EQUITY REFERS TO A TYPE OF REM MEH DY. DAMAGES ARE MONEY. IN EQUITY CASES THE COURT REQUIRES THEM TO ACT IN A CERTAIN WAY.

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[ INAUDIBLE ]

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SECTION 2 OF THE CONSTITUTION CONTINUES. BETWEEN CITIZENS OF DIFFERENT STATES, AND TITLE 28 SECTION 1332 OF THE UNITED STATES CODE CLARIFIES THE TWO CONDITIONS ARE NECESSARY FOR JURISDICTION TO APPLY. THE NOT IN CONTROVERSY MUST BE MORE THAN \$75,000 AS ONE ON THE PARTIES IS A CITIZEN OF THE UNITED STATES AND NONE OF THE OPPOSING PARTIES ARE CITIZENS OF THE SAME STATE OR LAWFULLY ADMITTED SUBJECTS WITH FOREIGN -- [ NO AUDIO]

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DOES ANYBODY HAVE ANY QUESTIONS ABOUT THAT?

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NO QUESTIONS. OKAY.

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I'M GOING TO -- SOMEBODY SAY SOMETHING?

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I'M SEEING SOMETHING IN CHAT.

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ASHLEY AND KATHY, IS ANYBODY ASKING QUESTIONS?

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THERE IS NO QUESTION.

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NO.

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OKAY. THANK YOU.

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IP GOING TO GIVE FIVE SHORT HYPOTHETICALS NEXT AND WE'LL JUST ASK YOU TODAY SIDE IF YOU THINK THE PLAINTIFFS CAN TAKE THE CASE TO FEDERAL COURT. UNDER THE A TEN DELIST THERE IS A GREEN CHECK MARK AND A RED X. WHEN I ASK THE QUESTION, CLICK THE GREEN FOR X AND RED FOR KNOW. YOUR NAME WILL NOT APPEAR SO NO ONE WILL NO IF YOU GOT IT RIGHT OR WRONG. OKAY?

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THE FIRST HYPOTHETICAL INVOLVES KEVIN'S PARTY. KEVIN LIVES IN CALIFORNIA AND COVID RESTRICTIONS HAVE LESSENED SO HE CAN HAVE A PARTY WITH SOCIAL DISTANCING. HIS NEIGHBOR GOT VERY DRUNK.

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WHEN KEVIN REALIZED HE TOLD HIM TO LEAVE. ON HIS WAY OUT, YA GO STUMBLED, DROPPED HIS LIT CIGARETTE ON THE DRY GRASS AND DIDN'T PICK IT UP. IT STARTED A GRASS FIRE AND DESTROYED CARS. A 2021 LAMBORGHINI BE LONGING TO MIKE VALUED AT \$300,000. A DODGE OMNI, SARA FROM OHIO, VALUED AT \$800. AND 2021 BENTLEY VALUED AT \$200,000. WE ARE GOING TO DISCUSS WHO CAN SUYA GO IN FEDERAL COURT.

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FIND THE GREEN CHECK MARK AND RED X. CAN MIKE SUYA GO IN FEDERAL COURT? CAN I SEE SOME RESPONSES HERE, PLEASE?

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OKAY. I GOT --

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SO FAR YESES ARE WINNING.

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OKAY. YES. HE CAN SUE -- MIKE CAN SUYA GO IN FEDERAL COURT. MIKE CAN SUE BECAUSE MIKE IS FROM OHIO AND YA GUYS FROM CALIFORNIA SO NIGH HAVE A DIVERSITY OF CITIZENSHIP AND THE \$300,000 IS MORE THAN THE \$75,000 NEEDED. I AM GOING TO CLEAR THAT.

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NEXT QUESTION. CAN SARA SUYA GO IN FEDERAL COURT? YES OR NO, PLEASE.

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OKAY. YES, MOST OF YOU SAID NO. AND YOU'RE CORRECT. ALTHOUGH SARA AND YA GO ARE FROM DIFFERENT STATES, THE \$800 IS NOT ENOUGH TO SATISFY THE AMOUNT IN CONTROVERSY.

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SARA'S OPTION WOULD BE TO SAW YA GO IN CALIFORNIA STATE COURT. THAT WOULD BE VERY INCONVENE YET FOR HER TO COME BACK FROM OHIO TO CALIFORNIA TO SAW LIMB FOR \$800. WE HOPE SHE HAS GOOD INSURANCE. LAST ONE.

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KEVIN.CAN KEVIN SUE HIS NEIGHBOR FOR DAMAGING HIS \$200,000 BENTLEY? CAN HE SUE HIM IN FEDERAL COURT?

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I'M SORRY. I NEED TO CLEAR THIS. OKAY. LET'S FRY LET'S TRY THIS AGAIN. CAN KEVIN SAW HIS NEIGHBOR IN FEDERAL COURT?

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OKAY. MOST OF YOU SAID NO AND YOU'RE RIGHT BECAUSE KEVIN AND YA GO ARE BOTH FROM CALIFORNIA.

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OKAY. CONTINUING THE HYPOTHETICAL.

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AFTER LEAVING THE PARTY, YA GO STUMBLED DOWN THE STREET SMACKING UNSUSPECTED WOMEN ON THE BOTTOM AS HE WENT. WE'LL ASSUME THE WOMEN HAVE A CAUSE OF ACTION FOR BATTERY WHICH IS IN 1300. CAN YA GO SUE YA GO IN FEDERAL COURT? YES OR NO?

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OKAY. THE NOS ARE WINNING RIGHT NOW. SO AND THE PEOPLE SAYING NO ARE CORRECT. IT IS NOT A FEDERAL QUESTION, BECAUSE IT IS COVERED UNDER CALIFORNIA STATE LAW. AND NEARLY OFFENSIVE CONTACT WON'T REACH THE \$75,000 MINIMUM.

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OKAY. YA GO LOOKS FOR MORE TROUBLE. NEXT DEIAH GO CAME UPON KIM AN OFF DUTY POLICE OFFICER WALKING WITH HER HUSBAND. QUA GO YELLED NICE AND HE WENT IN HER FACE AND REMOVED HIS MASK AND YELLED HEY, AND USED A VERY CRUDE WORD FOR A WOMAN, I'M TALKING TO YOU. SHE REPLIED YOU NEED TO KEEP SIX FEET DISTANCE AND SHOVED HIM AWAY AS HARD AS SHE COULD. BEING EXTREMELY DRUNK AND UNSTABLE, HE FELL DOWN AND BROKE HIS WRISTS AS HE HIT THE SIDEWALK. AS HE HIT THE SIDEWALK, HE REALIZED HE HAD SEEN KIM BEFORE. SHE HAD BEEN IN THE NEWS BECAUSE SHE WAS WORKING ON PROGRAMS TO IMPROVE POLICE AND THE COMMUNITIES. CAN YA GO SUE KIM IN FEDERAL COURT?

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OKAY. IT SEEMS LIKE MOST OF YOU ARE GETTING THE RIGHT ANSWER WHICH IS NO. THE FIRST JURISDICTION DOESN'T APPLY IN THIS CASE BECAUSE BOTH KIM AND YA GO ARE RESIDENTS OR CALIFORNIA. THE FEDERAL QUESTION DOESN'T APPLY. THIS IS A BIT OF A RED HERRING BECAUSE KIM IS AN OFFICER BUT SHE WAS NOT ACTING UNDER COLOR OF LAW. SHE WAS TAKING A WALK WITH HER HUSBAND SO SHE WAS NOT AN GOVERNMENT ENTITY DEPRIVING HIM OF HIS CIVIL RIGHTS AND BECAUSE SHE USED A REASONABLE AMOUNT OF FORCE FOR SELF DEFENSE, HE PROBABLY WON'T FIND A LAWYER WILLING TO TAKE HIS CASE ANYWAY.

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NEXT HYPOTHETICAL. YA GO IS PICKING HIMSELF UP OFF THE GROUND THE POLICE ARRIVED AND KEVIN CALLED THEM, BECAUSE OF THE FIRE.

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HE CALLED KIM A FOUL NAME AND THEY BEAT HIM BEFORE ARRESTING HIM FOR PUBLIC INTOXICATION. THE POLICE OF POLICE DIDN'T LIKE PEOPLE RUDE TO WOMEN SO HE IGNORED IT. CAN YA GO BRING A CASE TO FEDERAL COURT? YES OR NO?

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OKAY. IT LOOKS LIKE THE YESES ARE WINNING ON THIS. AND, YES, HE CAN. THIS IS THE CLASSIC SECTION 1983 POLICE BRUTALITY CASE BECAUSE THEY DEPRIVED PEOPLE OF THEIR CIVIL RIGHTS.

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FINAL HYPOTHETICAL HERE. YA GO IS A BAD BOSS. AFTER GETTING OUT OF THE HOSPITAL AND SERVING A BRIEF SENTENCE IN COUNTY JAIL BECAUSE OF BATTERY IS A MISDEMEANOR IN CALIFORNIA. HE RETURNED TO WORK AT THE COMPANY HE OWNED. HE WAS VISITED BY A STRING OF PROCESS SERVERS SUMMING HIM TO STATE COURT BECAUSE OF DESTROYING CARS AND HE DECIDED HE DIDN'T WANT TO DEAL WITH WOMEN. HE LOUDLY SAID TO TWO OF HIS MALE MANAGERS AND PRO SAID TODAY FIRE ALL THE FEMALE EMPLOYEES. THE MALES SAID SEXUAL DISCRIMINATION WAS A VIOLATION OF FEDERAL LAW AND HE FIRED THEM, TOO. CAN THE FIRED EMPLOYEES SUE HIM IN FEDERAL COURT? I'M GOING TO CLEAR. CAN FIRED EMPLOYEES SUE YA GO IN FEDERAL COURT?

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YES. VERY GOOD. EVERYBODY GOT THAT ONE -- MOST OF YOU GOT THAT ONE RATE, TOO. BECAUSE THIS IS A CLASSIC CASE OF A FEDERAL OF SOMEONE VIOLATING A FEDERAL LAW, SO, YES, THEY CAN SUE HIM.

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OKAY. NEXT PART OF THIS PRESENTATION INVOLVES GETTING THE FEDERAL COURT DOCUMENTS. I'LL GOING TO SWITCH TO SCREEN SHARE HERE. LET ME GET THIS.

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OKAY. FIRST PLACE WE'RE GOING TO VISIT IS THE UNITED STATES SUPREME COURT WEBSITE. AND WE'RE GOING TO LOOK AT OPINIONS. TO GET TO OPINIONS ON THE WEBSITE, YOU HOVER OVER THIS AND YOU CLICK OPINIONS OF THE COURT.

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OPINIONS OF THE COURT ARE INITIALLY PUBLISHED AS SLIP OPINIONS BECAUSE BEFORE THE DIGITAL WORLD, THEY WERE PUBLISHED ON SLIPS OF PAPER. AND SO THESE ARE FIRST VERSIONS OF THE COURTS' OPINIONS. WE'RE GOING TO LOOK AT A CASE HERE. 2014. A WE'RE GOING TO LOOK AT OVER GRA FELL VERSUS HODGES

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IN THIS ONE THE COURT HELD THE 14th AMENDMENT -- SO TO GET THE OPINION WHERE THEY SAID THAT, YOU CLICK THIS BUTTON. AND HERE IS THE SLIP OPINION. YOU CAN TELL IT IS BECAUSE IT IS LABELED SLIP OPINION IN THE UPPER LEFT HAND CORNER. AND THIS IS WHAT THE COURT SAID. THIS IS WHAT THE COURT HELD.

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THE NEXT STEP IN THE PUBLICATION PROCESS IS COMPILING THEM INTO THE UNITED STATES REPORTS.

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UNITED STATES REPORTS START OUT AS PLY LIMBNARY PRINTS WHICH ARE SOFT COVER PAM LETS TO REPLACE THE SLIP OPINIONS AND THEN THEY ARE IN HARD-COVERED VOLUMES THAT REPLACED THE PRELEVELNARY PRINTS.

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THE NEXT THING WE'RE GOING TO VISIT ON SUPREME COURT WEBSITE IS THE ORAL ARGUMENTS.

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THEY PROVIDE THE TRANSCRIPT OF WHAT HAPPENS DURING WHENEVER A CASE IS BEING ARGUED BEFORE THE SUPREME COURT. AND WHAT THE LAWYERS SAID, WHAT THE JUDGES SAID. SO WE'RE GOING TO 2014. AND THERE IS OVER GA FELL VERSUS HODGES. AND I'M SORRY, I WAS GOING QUICKLY. I'LL DO THAT AGAIN. WE HAVE GOT ORAL ARGUMENTS. ARGUMENT TRANSCRIPTS. AND HERE IS THE TRANSCRIPT.

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IF THERE IS SOMEBODY WHO PREFERS AUDIO, YOU GO TO ORAL ARGUMENTS, ARGUMENT AUDIO AND THEN YOU CLICK HERE, YOU CLICK THE YEAR, AND YOU BRING IT UP. I AM GOING TO PAUSE IT'S QUICKLY, BECAUSE I DON'T WANT TO LISTEN TO IT, BUT YOU CAN DOWNLOAD THE MP3 OR VIEW THE TRANSCRIPT.

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LAST THING WE'RE GOING TO DISCUSS ON THE SUPREME COURT WEBSITE IS DOCKETS. DOCKETS ARE A LIST OF DOCUMENTS RELATING TO A CASE. THE NEWER DOCUMENTS HERE HAVE -- THE NEWER DOCKETS HERE HAVE LINKS TO THE DOCUMENTS. THE OLDER DOCUMENTS ARE NOT AVAILABLE ON THE GOVERNMENT WEBSITE SO YOU'LL HAVE TO CONTACT YOUR LOCAL LAW LIBRARY FOR THEM. BUT THERE IS ONE FOR BIDEN AND TRUMP WHERE THEY ARE AVAILABLE. YOU GO TO DOCKET SEARCH AND CLICK SEARCH. IT BRINGS IN THE DOCKETS. AND IN THIS CASE YOU CLICK THERE. AND HERE YOU CAN SEE SOME DOCUMENTS RELATING TO THE CASE. STARTS OUT WITH A PETITION FOR A WRIT OF SORE YARI WHICH IS WHEN A PARTY TELLS THE SUPREME COURT THEY WANT THE COURT TO HEAR THE CASE. SO THIS IS THE DOCKETS.

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AND JUST A SECOND HERE. I MADE A MISTAKE AND CLOSED SOMETHING I SHOULD NOT HAVE CLOSED.

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OKAY. THE NEXT THING WE'RE GOING TO DISCUSS IS THE OFFICE OF THE SOLICITOR GENERAL. IT REPRESENTS THE GOVERNMENT IN CASE IN THE SUPREME COURT. IT WILL PRESENT ITS ARGUMENTS IN A BRIEF AND MAKE THIS AVAILABLE ON THE WEBSITE. SO TO FIND ONE, YOU CAN SEARCH BY CAPTION OR DOCKET NUMBER AND PUT THE NAME, TYPE OF CASES AND SUBJECT OF THE CASE. IN THIS CASE, I AM GOING TO SEARCH FOR OVER GA FELL. AND THIS IS HOW I WOULD BRING UP THE BRIEF. AND THIS TELLS ABOUT DOCUMENT. AND HERE IS THE BRIEF, ITSELF. FORCE AND THE BRIEF WILL PRESENT THE QUESTIONS AND THE LEGAL ARGUMENTS FOR THE GOVERNMENT 'S POSITION.

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NEXT WE'RE GOING TO DISCUSS LOWER FEDERAL COURT OPINIONS. IT HAS LOWER COURT OPINIONS FROM 2004 TO THE PRESENT. IF YOU JUST NEED AN OPINION, THIS IS A GOOD SOURCE. THEY HAVE THE DISTRICT COURTS, TRIAL COURTS, THE APPELLATE COURTS BANKRUPTCY COURTS AND THE UNITED STATES COURTS OF INTERNATIONAL TRADE.

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AND THEY HAVE A VERY GOOD SEARCH FEATURE. I'LL GOING TO LOOK FOR A TEMPORARY RESTRAINING ORDER. IN THE CASE OF OVER GA FELL VERSUS KASICH. KASICH WAS GOVERNOR OF OHIO AT THE TIME. YOU SEE IT BRINGS IT UP HERE AND GIVES A SUMMARY OF WHAT THEY HAVE AND THEN YOU CAN VIEW THE DOCUMENTS.

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SO YOU HAVE GOT ORDERS FOR THE COURT, TEMPORARY RESTRAINING ORDERS, DECLARATORY JUDGMENTS AND YOU CAN CLICK THEM TO LOOK AT THEM.

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OKAY. THE MOST COMPLETE SOURCE IS PACER, A FEE-BASED SYSTEM FROM THE UNITED STATES COURT. ACCESSES PACER IS TEN CENTS A PAGE WITH NO MORE THAN \$3 A DOCUMENT. THERE ARE WAYS LIBRARIES CAN SAVE MONEY. FIRST WAY IS A FEE WAIVER. IF YOU ACCESS LESS THAN \$30 A MONTH WORTH OF DOCUMENTS, YOU'RE NOT BILLED. \$30 WORTH OF DOCUMENTS PER QUARTER U YOU'RE NOT BILLED. I MISSPOKE.

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SOME MAY QUALIFY FOR A FEE EXEMPTION. UNDER PACER PRICING, FEE EXEMPTION. HERE IS INFORMATION ON HOW YOUR RESEARCHERS CAN REQUEST AN EXEMPTION.

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AND HERE ARE SOME OTHER SITUATIONS IN WHICH PACER IS FREE.

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THE NEXT THING IS PACER RECAP PLUG IN. A TO FIND THE RECAP PLUG IN TYPE PACER RECAP PLUG IN AND DO A GOOGLE SEARCH. IT IS A FREE EXTENSION FOR CHROME OR FIREFOX. THE WAY IT WORKS IS IF ONE USER PAYS FOR A DOCUMENT, IT MAKES IT AVAILABLE FOR FREE TO ALL SUBSEQUENT USERS. AND WE'RE GOING TO SHOW YOU HOW THIS WORKS.

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OKAY. WE'LL GO TO PACER. LOG IN. LOG IN. AND I'M LOOKING FOR A CASE IN THE NORTHERN DISTRICT OF OHIO. OKAY. THIS IS THE SITE FOR THE NORTHERN DISTRICT OF OH OHIO AND WE GO TO THE FILING SYSTEM AND RUN A QUERY. OKAY. I AM GOING TO RUN A QUERY FOR OMAR ARRINGTON BY. HE WAS KILLED BY SOME POLICE OR HE WAS -- DIED IN POLICE CUSTODY. WHEN IT COMES UP, YOU SEE THAT THERE IS A DOCK ET REPORT. I COULD VIEW THIS FROM RECAP BUT I WILL RUN THE REPORT. I DO GET CHARGED FOR THIS. IN THE UPPER CORNER I AM IN SO IT IS ACTIVE AND YOU HAVE THE PARTIES' NAMES AND YOU KEEP SCROLLING DOWN. HERE ARE THE DOCUMENTS.

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YOU'LL KNOW FIS SOME OF THEM HAVE THE R NEXT TO THEM. THAT MEANS SOMEONE DOWNLOADED THEM TO THE RECAP ARCHIVES BUT IF I WANTED ONE OF THEM, I COULD PURCHASE IT.

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ANOTHER WAY TO ACCESS THE RECAP ARE CAVES IS THE RECAP WEBSITE AND I AM GOING TO SEE IF I PUT MR. ARRINGTON BUY BAY IN HERE.

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AND WHAT -- I'M SORRY. I MOVED TOO QUICKLY NER. THERE. IT IS A REGULAR SEARCH INTERFACE. YOU SEARCH BY PARTY NAME, ATTORNEY NAME, JUDGE, NATURE OF SUIT AND ALL THE STUFF YOU CAN SEARCH FOR IN REGULAR PACER.

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AND YOU CAN VIEW THE DOCKET. THESE ARE THE ONES THAT YOU CAN GET THE DOCUMENTS FOR FREE. YOU CAN GET THEM FROM COURT LISTENER OR INTERNET ARCHIVES. NOW, I AM GOING TO SCROLL DOWN HERE AND THERE IS A MOTION FOR SUMMARY JUDGMENT, NUMBER 39.

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AS YOU CAN SEE, THIS IS NOT IN THE RECAP ARCHIVE. SO WHAT I DO, I CAN CLICK BUY ON PACER. AND I CAN CLICK DOWNLOAD ALL.

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AND DOWNLOAD DOCUMENTS. IT MIGHT TAKE A COUPLE SECONDS HERE.

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DOWNLOAD WILL BEGIN IN A SEPARATE WINDOW AND IT IS BEGINNING IN MY SEPARATE WINDOW, BUT WHEN I PRESS REFRESH, DOCUMENTS ARE NOW AVAILABLE TO THE NEXT PERSON WHO WANTS TO USE THEM, SO THAT IS A RATHER NICE LITTLE FEATURE.

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OKAY. NOW, THE FINAL THING I WOULD LIKE TO DISCUS IS THE PROGRAM FOR DEPOSITORIES AND PUBLIC LIBRARY. GO TO [FBLT.GOV](http://FBLT.GOV).

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REQUIREMENTS AND GUIDANCE. COLLECTIONS AND DATABASES. AND YOU HAVE THE PACER ACCESS AND EDGE CASE PROGRAM. EDUCATION PROGRAM.

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PARTICIPANTS IN PACER ACCESS AND EDUCATION PROGRAM ARE OBLIGATED TO PROVIDE TRAINING TO THE PUBLIC BUT PARTICIPATING LIBRARIES ARE EXEMPT FOR THE FIRST \$50 IN CHARGE. THIS IS A WAY THE DEPOSITORY LIBRARIES CAN PROVIDE ACCESS AND SPEND LESS MONEY.

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OKAY. DOES ANYONE HAVE ANY QUESTIONS?

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OKAY. SARA, THIS IS KATHY. SOME OF THESE MAY SEEM OUT OF CONTEXT AT THIS POINT, BUT JENNIFER, DID YOU GET ANSWER ON YOUR QUESTION ABOUT AN EXAMPLE?

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OKAY. OH, LOTS OF QUESTIONSMENT I'M SORRY. I DIDN'T SEE. OKAY.

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OKAY. LET'S SEE. GIVE AN EXAMPLE OF. WHAT WOULD YOU LIKE AN EXAMPLE OF? WHILE WE'RE WAITING FOR HER, YOUR HYPOTHETICALS -- OHIO JURISDICTION OR CALIFORNIA WHERE YA GO LIVES?

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CALIFORNIA.

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OKAY.

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BECAUSE THE EVENTS TOOK PLACE IN CALIFORNIA.

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CAN LAW LIBRARIANS ANSWER QUESTIONS ON WHICH A JURISDICTION?

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NO. THAT WOULD BE UNAUTHORIZED PRACTICE OF LAW. THIS IS JUST SHOWING YOU THE BACKGROUND INFORMATION. UNAUTHORIZED PRACTICE OF LAW IS APPLYING LAW TO A SPECIFIC SET OF FACTS. AND, AGAIN THIS IS A VERY SIMPLIFIED, THIS WAS A VERY SIMPLIFIED VERSION OF THE RULES IN ORDER TO SHOW YOU HOW IT WORKS. IT WASN'T ACTUALLY SOMETHING YOU WOULD USE. IF KIM WAS ON DUTY, WOULD IT BE FEDERAL JURISDICTION? THE QUESTION WOULD BE POSSIBLY. IF KIM WAS ON DUTY AND SHOVED HIM AND THEY WOULD MAKE THE CASE SHE WORKED VIOLATING HIS CIVIL RIGHTS UNDER COLOR OF LAW, THEN YES, THAT WOULD BE A FEDERAL CASE. MORE LIKELY THAN NOT. BUT, AGAIN FINDING AN ATTORNEY TO SAY THAT PUSHING HIM AWAY IS POLICE BRUTALITY MIGHT BE DIFFICULT. BUT, YES, IT DEPENDS.

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OKAY.

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SORRY.

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I WAS GOING TO READ THE NEXT QUESTION.

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NO. THE BRIEF IS USED TO PERSUADE THE COURT. SO WHAT WILL HAPPEN, THE LAWYERS WILL DRAFT THEIR BRIEF. THE COURT WILL BRIEF THEM AND THAT WILL SEE WHAT THE COURT TAKES INTO ACCOUNT WHEN THEY MAKE THEIR DECISIONS. \$50 PER MONTH. \$50 PER MONTH CREDIT FOR THE DEPOSITORY, FOR THE PACER ACCESS AND EDUCATION PROGRAM. THAT IS CORRECT.

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OKAY.

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CAN I RECAP THE PRICING AND EDUCATION PROGRAM? OKAY. THAN WALK FOR CLARIFYING LETTING ME KNOW I NEEDED TO CLARIFY THIS. \$30. OKAY.

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\$30 IS FOR ANY USER. THEY DON'T BILL YOU. TODAY I WAS USING MY PERSONAL ACCOUNT AND SO THEY ARE NOT GOING TO BILL ME FOR THE FIRST \$30. BEFORE WE STARTED PARTICIPATING IN THE PROGRAM, MY LIBRARY COULD ONLY GET \$30. BUT AFTER WE STARTED PARTICIPATING IN THE PROGRAM, THEN WE GOT THE \$50. IT IS NOT FREE FOR ANYBODY EXCEPT IF YOU HAVE ONE OF THE EXCEPTIONS THAT THEY LIST. COULD PRIVATE CITIZENS USE ANY PUBLIC LIBRARY TO GET PACER DOCUMENTS FOR FREE?

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THAT DEPENDS, BECAUSE SOME OFFER THIS AND SOME DON'T. IF THEY DON'T HAVE A PACER ACCOUNT, THEY CAN'T GET THE DOCUMENTS SO THAT IS WHY I SUGGEST STARING THEM TO THE RECAP WEBSITE FIRST AND THEN DEPENDING ON WHETHER THE LIBRARY HAS THE EXEMPTION, THEY MIGHT PROVIDE IT. HOW TO FIND CASES WE KNOW THE PARTIES NAMES.

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DECIDED ON A PARTICULAR TOPIC. WHAT IS THE BEST WAY TO FIND THAT?

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BEST WAY MIGHT BE KEY WORD AND KEY WORD AND CAUSE OF ACTION. AND 20% DEPOSITORY TO HAVE THE PACER EXEMPT. MY LIBRARY IS LESS THAN 20%. I BELIEVE WE ARE AROUND 13% OR 14% SO YES, 20% -- IT IS NOT EXEMPT. IT IS EXEMPT FROM THE FIRST \$50 OF CHARGES. THIS IS SOMETHING THAT WE PREFER TO DO AS A MEDIATED SEARCH BECAUSE IF WE GIVE THAT LOG INTO SOMEBODY ELSE OR TO THE PUBLIC OR EVEN OUR STUDENTS, THEY COULD RUN UP THOUSANDS OF DOLLARS IN CHARMS QUITE EASILY, SO WE DON'T. THIS ISN'T SOMETHING WE USE A LOT, BUT IF IT IS SOMETHING THAT PEOPLE NEED, WE USE IT.

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OKAY.

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ANYMORE QUESTIONS? I'M SEEING THE CHAT NOW, SO --

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OKAY. ANYMORE QUESTIONS?

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OKAY. I'LL GIVE YOU A COUPLE MINUTES. I'LL HAVE ASHLEY GO AHEAD AND PUSH THE LINK TO SURVEY OUT. WE APPRECIATE IT IF EVERYONE WOULD COMPLETE THE SURVEY.

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THERE YOU GO.

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AS FAR AS UNAUTHORIZED PRACTICE OF LAW, DO WE NEED TO DISCUSS THAT MORE OR JUST TO CLARIFY THAT YOU CAN'T APPLY THE LAW TO A SPECIFIC SET OF FACTS BUT YOU CAN TELL SOMEBODY HOW TO FIND THE LAW. LIKE YOU CAN SHOW A USER HOW TO OPERATE THESE SEARCH ENGINES AND IF THE USER CAN FIND THAT THEMSELVES. SO THAT WOULD BE PROVIDING REFERENCE ASSISTANCE RATHER THAN PRACTICING LAW, BUT IF IT REQUIRES ANY INTERPRETATION, YOU'RE ON UNSAFE GROUND WHEN UNAUTHORIZED PRACTICE OF LAW. OKAY?

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YES. YOU HAVE TO PUT IN A CREDIT CARD TO MAKE THAT.

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DO YOU HAVE ANY TIPS FOR FINDING OPINIONS FROM THE SUPREME COURT WHICH ARE NOT ON THEIR WEBSITE?

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OH, YOU MEAN THE OLDER ONES?

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YES.

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BESIDES IF YOU'RE TRYING TO FIND THEM ONLINE.

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THAT IS THE FIRST THING WE GET FROM TIME TO TIME. TRYING TO FIND SUPREME COURT OPINIONS WHICH ARE NOT REDLY AVAILABLE ONLINE.

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OKAY. LET'S SEE. I'M TRYING TO THINK HERE. BECAUSE HONESTLY, THAT -- I USE A COMMERCIAL DATABASE FOR THAT. LET'S SEE. I'M GUESSING YOU COULD DO A CHECK HERE.

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OKAY. I WOULD HAVE -- YES. I AM NOT SURE ON THAT ONE, BECAUSE I USUALLY USE HINE ONLINE FOR THAT. SORRY.

---

JOSEPH SAYS THAT CORNELL LAW LIBRARY HAS THEM ONLINE.

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OKAY. THANK YOU, JOSEPH.

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AND THEN THERE ARE UNITED STATES REPORTS THAT LIBRARY OF CONGRESS.

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OKAY.

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JENNIFER WANTS TO KNOW WHAT HAPPENS TO THE DEPOSITORY LIBRARY THAT DOESN'T HATCH A CREDIT CARNIVAL AND THEY DO THEIR PURCHASING BY PURCHASE ORDER.

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I THINK THAT OH, BOY. I'M EMBARRASSED ABOUT NOT KNOWING ABOUT THE SUPREME COURT DECISION THE THANK YOU EVERY ONE FOR PROVIDING THE INFORMATION HERE. I WILL MAKE A NOTE MYSELF.

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I THINK THEY MIGHT BUILD A DEPOSITORY LIBRARY BUT I THINK THERE MIGHT BE AN EXTRA STEP YOU HAVE TO GO THROUGH IF YOU'RE A LIBRARY. UNAUTHORIZED, IF YOU -- YOU CAN PROVIDE GENERAL INFORMATION, BUT ONCE YOU START APPLYING THE LAW TO A SET OF FACTS, YOU CAN GET IN TROUBLE.

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OKAY. LAST CALL FOR QUESTIONS.

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OH. DID YOU CHOOSE TO BECOME A LAW LIBRARIAN?

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HOW DID I CHOOSE TO BECOME A LAW LIBRARIAN? I WAS A MUSIC STUDENT AT CLEVELAND STATE UNIVERSITY. I NEED ADD JOB. I GOT A JOB WORKING FULL TIME IN THE LAW LIBRARY AND IT SEEMED INTERESTING. AFTER I GRADUATED, MY BOSS GOT POACHED BY WESTERN RESERVE AND SHE PROVIDED TO TEACH ME AND I STARTED WORKING AS IN PROSSER BACK IN 1995. AND I SAW WHAT EVERYBODY WAS DOING AND IT SEEMED VERY INTERESTING SO I GOT MY LIBRARY SCIENCE DEGREE AND THEN SINCE I WAS WORKING IN A LIBRARY, THEY -- I LEARNED ABOUT LAW AND I FOUND THAT TO GET A PROMOTION I NEED TODAY HAVE A LAW DEGREE, SO I GOT THE LAW DEGREE AND THEN THEY MOVED ME TO THE REFERENCE DEPARTMENT. THAT IS BASICALLY HOW I BECAME A LAW LIBRARIAN.

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OKAY.

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OKAY.

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HOW MUCH BUSINESS LIBRARIES NEED TO KNOW SPACE?

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I AM NOT SURE WHAT A BUSINESS LIBRARY NEEDS TO KNOW SO I AM NOT SURE. I DON'T KNOW WHAT BUSINESS LIBRARIANS, WHAT SORT OF AREA THEY ANSWER -- DO RESEARCH IN.

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WHILE WE HAVE GOT -- HEATHER, WHEN YOU -- YOU'LL GET AN E-MAIL WITH A LINK TO THE CERTIFICATE AND THOSE COME OUT WITHIN A FEW DAYS OF THE WEBINAR.

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OKAY. I'M GOING TO GO AHEAD AND BRING THIS WEBINAR TO A CLOSE. THANK YOU, ALL, FOR ATTENDING AND A VERY BIG THANKS TO SARA FOR SHARING THIS INFORMATION WITH US. AND EVERYBODY, GO HAVE A GREAT REST OF THE DAY. THANKS SO MUCH. [ EVENT CONCLUDED ] [Event Concluded]