



# KEY POINTS

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## One Robe, No Calculator

*"[W]ith no staff economists, no experts schooled in the 'efficient-capital-market hypothesis,' no ability to test the validity of empirical market studies, we are not well equipped to embrace novel constructions of a statute based on contemporary microeconomic theory."*

—U.S. Supreme Court Justice  
Byron White, *Basic Inc., v. Levinson*,  
108 S. Ct. 978, 994–995 (1988)  
(White, J., concurring)

## NOTES OF DECISIONS: GET THEM FOR REGULATIONS, TOO

When you retrieve a statute in print or on Westlaw, you typically retrieve one or more notes of decisions. A note of decision contains the following:

- a summary of a point of law in a case
- a citation to the case
- a West topic and key number to help you retrieve other cases discussing the same point of law

Consequently, notes of decisions are time-saving tools for interpreting a section and expanding research so as not to miss relevant sources.

Isn't there a way to get notes of decisions for a federal regulation, too? On Westlaw, there is: While viewing the regulation, click **Notes of Decisions** on the Links tab. The notes of decisions are displayed in the right frame, beginning with the notes of decisions index.

From there, it's simply a matter of clicking links. To jump to a specific section of the notes of decisions list, click the appropriate link in the notes of decisions index. To retrieve the full text of a case cited in the notes of decisions, click the case's link. To access the West Key Number Digest to retrieve case law from the same or a different jurisdiction, click the West topic or key number.

If you prefer, you can print or deliver the list of notes of decisions—with or without live links—for later use.

The screenshot shows a Westlaw search result for 21 CFR § 101.70. The left sidebar contains navigation options like 'Proposed Regulation', 'Full-Text Document', and 'RegulationsPlus™'. The main content area displays the regulation text and a section titled 'NOTES OF DECISIONS' with a list of links: 'Dietary supplements', 'Significant scientific agreement', 'Standing', and 'Validity of approval process'. The 'Validity of approval process' link is selected, showing a list of cases including *Nutritional Health Alliance v. Shalala* and *Nutritional Health Alliance v. Shalala*.

Notes of Decisions



## U.S. SUPREME COURT DOCUMENTS: MANY ROADS LEAD TO THE RIGHT ONE

Suppose you need a document from the U.S. Supreme Court. You could search the U.S. Supreme Court database—if there were such a thing as *the* U.S. Supreme Court database, that is. Instead, there are at least 60 databases containing U.S. Supreme Court materials available to you, including databases limited to judicial opinions, oral argument transcripts, briefs, petitions, case summaries, or documents from a specific practice area.

Here are a few ways to track down the right document without wasting time:

### Browse the Directory

To identify U.S. Supreme Court-related databases to search—and for links giving you quick access to those databases—browse the online Westlaw Directory. To access the Directory, click **Directory** at the top of any Westlaw page. Then click the links in the right frame to browse the Directory. For example, click **U.S. Federal Materials, Federal Cases and Judicial Materials, Judicial Materials, and U.S. Supreme Court Databases**. A list of databases is displayed, with links to the database Search pages.

In the alternative, you can download the [Westlaw Database Directory for the Federal Judiciary](#), 2010 Edition, in PDF.

### Use Links in a Federal Court Document

If you are viewing a relevant opinion, petition, brief, decision on certiorari, or other U.S. Supreme Court document, you can retrieve related documents simply by clicking the appropriate link on the Links tab (e.g., a KeyCite® history link or **Petitions, Briefs and Filings**) or links within the document you are viewing. No search required.

For example, if you are viewing the Court's opinion in *Olympic Airways v. Husain*, 124 S. Ct. 1221 (2004), you can click **Petitions, Briefs and Filings** on the Links tab to display links to appellate briefs, the petition for rehearing, the joint appendix, a transcript of the oral argument, and the court docket. Linking works in many directions, so, for example, you can start with one of the appellate briefs, click **Petitions, Briefs and Filings**, and retrieve a similar list of links.

<a href="#">Supreme Court Nominee Confirmation Hearings</a> (SCT-CONFIRM) ⓘ
<a href="#">Transcripts of U.S. Supreme Court Oral Arguments</a> (SCT-ORALARG) ⓘ
<a href="#">U.S. Supreme Court Briefs</a> (SCT-BRIEF) ⓘ
<a href="#">United States Supreme Court Briefs Multibase</a> (SCT-BRIEF-ALL) ⓘ
<a href="#">United States Supreme Court Criminal Briefs</a> (SCT-CRBRIEF) ⓘ
<a href="#">United States Supreme Court Criminal Briefs &amp; Petitions</a> (SCT-CRBRIEF-ALL) ⓘ
<a href="#">United States Supreme Court Criminal Petitions</a> (SCT-CRPETITION) ⓘ
<a href="#">United States Supreme Court Joint Appendices</a> (SCT-JA) ⓘ
<a href="#">Westlaw Bulletin - U.S. Supreme Court</a> (WLB-SCT) ⓘ
 <a href="#">Supreme Court Justice Databases</a>

Westlaw Directory (detail)



Petitions, Briefs & Filings link

### Retrieve KeyCite Citing References for a Leading Statute, Regulation, or Case

You might know of a particular statute, regulation, case, or other leading authority that is likely to be cited in a U.S. Supreme Court opinion on an issue. In that instance, you could start by retrieving that leading authority and then using KeyCite to retrieve citing cases from the U.S. Supreme Court.

For example, a case in which the U.S. Supreme Court analyzes the income tax deduction for depreciation will most likely cite 26 U.S.C.A. § 167 at least once in the opinion. Therefore, you might start by retrieving that statute. Then complete these steps:

1. Click **Citing References** on the Links tab. A long list of KeyCite citing references is displayed.
2. Click **Limit KeyCite display**. At the KeyCite Limits page, click **Clear All** in the right frame. Select the check box next to *Highest court* and type *s.ct.* in the *Publication* text box.
3. Click **Apply**.

KeyCite citing references (limited to documents published in the *Supreme Court Reporter*®)



## Advanced SEARCH TIP

### KeyCite Alert: When an Agency Holds Forth, You'll Know

**Q: What's the easiest way to search for the latest agency decisions interpreting an important regulation?**

**A: Don't search at all!**

"The growth of the administrative state produced a manifold increase in the reductionist tendency, as Congress delegates more and more decision-making authority to federal agencies," commentators observe. Further, "[t]he authority of these agencies has been insulated by the standards of review set by Congress and the Courts."\*

*Translation:* You can't afford to be unaware of the latest agency decisions that interpret an important regulation.

Does that mean you have to run daily searches of agency decisions? Not at all: Create a KeyCite Alert entry instead.

KeyCite Alert automatically notifies you when an agency decision is added to a regulation's KeyCite citing references. To create a KeyCite Alert entry for the regulation you are viewing, click **Monitor With KeyCite Alert** on the Links tab. Then do the following:

1. Change the client identifier, if desired, and click **Next**.
2. At the next page that is displayed, click **Limit Citing Refs.**
3. The KeyCite Alert Limits page is displayed. Click the arrow next to **Document Type**.
4. Clear all check boxes except the *Administrative Decisions* check box. Click **Apply**.
5. Use the subsequent pages to choose the frequency with which you want KeyCite Alert to check your citation, the period of time in which you want KeyCite Alert to monitor your citation, the destination to which you want your results delivered, and whether you want the full text of new decisions.
6. Click **Finish** to save your entry.

\*John A. Powell and Stephen M. Menendian, *Remaking Law: Moving Beyond Enlightenment Jurisprudence*, 54 ST. LOUIS U. L.J. 1035, 1060 (2010).

