

# DOWNLOAD PDF UNDERSTANDING SUPREME COURT OPINIONS (3RD EDITION)

## Chapter 1 : Citing to Cases - Understanding Legal Citations - ULibraries Subject Guides at University of Ut

*Going beyond the standard interpretation of Supreme Court opinions, this practical text delves into the legal reasoning behind the written opinions—the modes of persuasion and justification used by Supreme Court justices—to give students a deeper understanding of how to read and interpret the decisions of our highest court.*

Posted in Privacy The U. Supreme Court has handed down a major decision, *Carpenter v. The decision dramatically alters the status quo concerning government requests for data about individuals that is collected and held by third parties. Under *Carpenter*, personal location information maintained by a third party that the government could previously obtain with a subpoena or similar order will now require a warrant meeting the standards of the Fourth Amendment. By finding that information held by a third party is “in at least some circumstances” protected by the Fourth Amendment, the Supreme Court has upended decades of precedent in an effort to keep the amendment relevant in the digital age. Although portrayed by the court as a narrow decision, like other recent Supreme Court decisions concerning privacy and the Fourth Amendment, *Carpenter* will likely result in a broad reconsideration of what information law enforcement can properly obtain without a warrant. Background *Carpenter* began with the arrest of four men suspected of robbing stores in Detroit. Prosecutors applied for court orders under the Stored Communications Act SCA to obtain cell phone records for *Carpenter* and other suspects. The district court denied the motion, and *Carpenter* was convicted of a variety of crimes relating to the robberies. On appeal, the U. Court of Appeals for the Sixth Circuit affirmed, holding that *Carpenter* lacked a reasonable expectation of privacy in the location information collected by the FBI because he had shared that information with his wireless carriers. The Court has been intent on preserving Fourth Amendment protections in a world of increasing technological complexity. For instance, in *Kyllo v. In United States v. This doctrine is premised on the ideas that a defendant cannot assert ownership of information held by a third party, the defendant lacks or has a limited expectation of privacy in the information, the information is not confidential and is voluntarily disclosed to others, and the defendant takes the risk that information will be conveyed to the government at the time it is shared. This doctrine has served as the linchpin allowing the government to obtain virtually any record or data held by a third party, with an order far easier to obtain than a warrant. These factors, though meant to apply specifically to the CSLI at issue in the case, are equally applicable to a significant portion of data collection that underlies the modern, digital economy. For instance, these same factors are at least partially applicable to credit card transaction records, vehicle tracking systems, wireless toll payment systems such as E-ZPass and FasTrak and location logs generated by mobile operating systems and mobile applications. While the Court focuses on warrantless requests for location data, people may have a reasonable expectation of privacy in their web browsing or search history, for instance. Nor do we address other business records that might incidentally reveal location information. Further, our opinion does not consider other collection techniques involving foreign affairs or national security. Implications Companies that collect detailed data over time, including location data, should carefully consider statements made to consumers regarding their privacy practices. If a company promises to turn data over to the government only pursuant to a lawful order, that company must now evaluate whether a subpoena, an order issued pursuant to the SCA, or other process, is in fact lawful. In many cases, third parties will lack the incentive to assert the rights of the target. Other companies have committed to providing the target of an investigation with an opportunity to challenge the sufficiency of a law enforcement request when possible, and *Carpenter* may create a new scenario where such an obligation is triggered. They will therefore need to determine how to respond in such a scenario. Ultimately, *Carpenter* will require companies to make new choices regarding their compliance programs. They are likely to receive an increase in warrants and a decrease in subpoenas and similar orders, and they must carefully evaluate the sufficiency of any request received.**

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## Chapter 2 : SCOTUSblog - The Supreme Court of the United States blog

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These opinions are collected in series of books called reporters. In general, cases are cited by giving the case name, the volume and page number of the case reporter in which the case is found, a court designation and the year the case was handed down. Below is an example of a standard case citation for a Federal case. The text in green is the case name, identifying the parties to the appellate case. Note that the full name of the parties might be abbreviated and some parties names may be excluded for brevity. The text in blue is the reporter citation. In this case, F. The text in red is the Court identifier and the year of the decision. This case is from the 8th Circuit Court of Appeals and arose out of the Federal district courts in Missouri. It was decided in Again, this case would be referenced the same way even if it was found on an electronic database. See the boxes below for additional informaton on how to cite Federal cases and Utah cases. Citing Federal Cases Federal case reporters are court-specific. You can tell which court handed down a Federal opinion by simply looking at the citation. United States Supreme Court Opinions: United States Supreme Court opinions can be found in three different reporters. The first is the Supreme Court Reporter S. A full citation to a United States Supreme Court case would look like this: This case can be found at the volume of the United States Reports at page The case was decided in Note that no court identifier is required in the parenthetical since the citation clearly identifies the case as coming from the United States Supreme Court. United States Appellate Court Opinions: A court of appeals identification is included in the parenthetical at the end of the citation. Utah Foam Products Co. This case is found in the th volume of the Federal Reporter, 3rd series, at page It was decided by the 10th Circuit Court of Appeals in There is only one reporter for United States Court of Appeals decisions. United States District Court Opinions: The district court identification is included in the parenthetical at the end of the citation. City Consumer Services, Inc. This case is found in the th volume of the Federal Supplement at page A Uniform System of Citation Utah Supreme Court Opinions: Citing to Utah Supreme Court cases depeneds, in part, on when the case was decided. This case is found in the th volume of the Pacific Reporter, 2nd series at page It was decided by the Utah Supreme Court in For cases decided prior to , the case can still be found in the Pacific reporter, however, they can also be found in the Utah Reports and the Utah Reports 2nd series. Allen, 25 Utah 2d 87, P. This case can be found in either the 25th volume of the Utah Reports, 2nd series, at page 87 or the th volume of the Pacific Reporter, 2nd series at page Utah Appellate Court Opinions: The above rule applies only to Utah Supreme Court opinons as the Utah Court of Appeals was founded in , after the Pacific Reporter had been designated the official reporter for the State of Utah. This case is found in the th volume of the Pacific Reporter, 3rd series at page It was decided by the Utah Court of Appeals in For additional information, see Section T1 p. Assistant Librarian and Adjunct Professor of Law.

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