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Chapter 9: Fastcase

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A GUIDE TO LEGAL RESEARCH IN VIRGINIA

Seventh Edition

Editors:

John D. Eure

Johnson, Ayers & Matthews, P.L.C. / Roanoke

Gail F. Zwirner

University of Richmond Law School Library / Richmond

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A GUIDE TO LEGAL RESEARCH IN VIRGINIA

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CHAPTER 9

FASTCASE

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CHAPTER 9

FASTCASE™

9.1 HISTORY

In February 2005, the Virginia State Bar (VSB) Council approved plans to offer all Virginia lawyers free access to an online legal research program through a portal on the VSB's website. Then-Chief Justice Leroy Rountree Hassell, Sr., considered access to an online research tool a high priority for Virginia attorneys and urged the VSB to provide this kind of service.

On June 13, 2005, the Virginia Supreme Court adopted a formal Rule of Court directing the VSB "to contract to provide online computerized legal research services to its members."¹

In February 2006, the VSB gave its notice of intent to award a contract to Fastcase, which is headquartered in Washington, D.C. Twenty-four other bar associations provide Fastcase to their members. Other specialty groups, such as the Cincinnati Law Library, the National Association of Consumer Bankruptcy Attorneys, and the Social Law Library network in Boston, offer Fastcase access as well.

State technology experts at www.virginia.gov worked with the VSB to set up a secure, members-only, sign-in procedure for access to Fastcase on the website. This sign-in method will allow possible future access to other online member services.

¹ Section IV, paragraph 21 of the Rules of Integration of the Virginia State Bar, Part Six.

9.2 THE FASTCASE INTERFACE

9.201 In General. The VSB's decision to make Fastcase accessible to Virginia practitioners has been helpful in providing electronic access to primary authority sources. It offers an effective search engine with options expected by researchers in case law databases.

Fastcase is accessible through the Virginia State Bar's website, www.vsb.org, or at www.fastcase.com. The Fastcase homepage offers an intuitive approach to searching multi-jurisdictional primary and secondary authority databases and instructional sources as well as access to customer service. The left frame of the opening screen displays links to search case law, statutes, regulations, constitutions, court rules, Attorney General opinions, newspapers, federal filings, and legal forms. The center frame stores a researcher's last ten searches. The right frame provides help options including a list of frequently asked questions, the Fastcase user guide, tutorials, live chat, email support, and a blog feed for important updates to the system.

At the top of the page a "Quick Caselaw Search" box provides one-click access to the last jurisdiction searched. An advanced case law search offers three different search options.²

9.202 Fastcase Case Law Database Content. The extensive collection of federal and state case law is not as comprehensive as Lexis or Westlaw's services, but it includes access to more than 5.5 million documents. The state resources date back to 1950 (or earlier as in the Virginia collection), and all decisions are updated within 24 to 48 hours of the courts' decisions. The list of databases and the coverage is as follows:

United States Supreme Court	1754 (1 U.S. 1)-Current
Federal courts of appeals	1924 (1 F.2d)-Current
Federal district courts	1912 (1 F. Supp. 1)-Current

² See *infra* ¶ 9.203.

Federal bankruptcy courts	1979 (1 B.R. 1)-Current
Board of Immigration Appeals	1996-Current
U.S. Court of Claims	1929-1971
U.S. Customs Court	1938-1980
U.S. Tax Court	1924-Current
Sp. Ct., Regional Rail Reorg. Act	1974-2001
U.S. Court of Int'l Trade	1980-2001
Court of Customs & Patent Appeals	1929-1971
State cases	1950 (or older)-Current
Virginia Supreme Court & Court of Appeals	1886 (82 Va. 702)-Current
Virginia circuit courts	To be added

Virginia's case law database coverage in Fastcase back to 1886 is deeper than coverage in many other states. Fastcase intended to add Virginia circuit court opinions, but no date has been released for those additions.

One early system limitation in case law searching that affects Virginia's collection was the inability to search by *South Eastern Reporter* (S.E.) citation before 1949. Fastcase enhanced the search engine to allow citation look-up for the full depth of coverage of Virginia case law (1886-current (1 S.E. 909).

Use of any database requires researchers to be conscious of content coverage. For example, if a search in Fastcase for a specific decision is unsuccessful, the decision might have occurred either before or after the scope of the database.

9.203 Searching Case Law Options. There are three ways to search case law on Fastcase:

1. *Keyword (Boolean) searching* uses AND, OR, NOT, (), " ", w/# connectors. A list of connector options is listed on the search screen. If no connector is used between two words, the space

is presumed to be an “and.” An asterisk (*) wildcard operator is also available to find variations of a word.

2. *Natural language searches* produce 100 of the most relevant cases that best match the words and phrases in the query.
3. *Citation Lookup* retrieves decisions by citation and searches multiple decisions by separating the citations with a comma.

Search results are returned by relevance and can be sorted to list the oldest cases first, the most recent cases first, or the most authoritative cases—the ones most cited by other cases—first. The results screen contains a brief “synopsis” of the case, which is actually the paragraph from each case most relevant to your search.

Researchers who open a court decision to see the full text will see navigation options for “Next Term,” “Previous Term,” “Next Case,” “Previous Case,” or “Jump to the Most Relevant Paragraph.” Another option is a Fastcase personalization feature called “Save to My Library,” which allows searchers to create a file of regularly used sources. Headnote enhancements that are provided by Lexis or Westlaw are, however, absent from Fastcase.

For state decisions with parallel citations, researchers will find the West reporter pages at the left margin of each column. The “official” reporter pagination is reflected by brackets within the paragraphs.

The newest feature of Fastcase is an “interactive timeline” that graphically illustrates the most relevant cases. Fastcase creates a grid with circles representing each decision—the larger the circle, the more times the case is cited in the entire case law database. Cases that have a smaller yellow dot within a dot represent cases within the current search results.

9.204 Authority Check. Although Fastcase has no equivalent to Lexis's *Shepard's Citations* or Westlaw's *Keycite*, it does offer an application called "Authority Check," which identifies later cases that cite a case. Authority Check does not include editorial treatment information about the case, such as "followed," "reversed" or "distinguished," but serves as a starting point to find the subsequent history of a decision.

To use Authority Check, the user looks up a case by the citation. At the top of the full text of a decision is the reference to the service and a number indicating the times a case has been cited in the Fastcase database. The default list is to "all jurisdictions" but can be limited easily to any of the jurisdictions represented in the results list by selecting a link from the drop-down list.

The Fastcase tutorial states that it does "not hold Authority Check out as a complete replacement for services such as Shepard's or Keycite." Fastcase links to *Shepard's* and *Keycite* services for a pay-as-you-go option.

9.205 Other Fastcase Databases. Fastcase links to federal and state websites for access to other primary source documents. For example, the source for Virginia statutes and regulations is through the Virginia General Assembly Legislative Information System website, <http://lis.virginia.gov>. Fastcase announced in 2011 that they will be enhancing the statutes database by adding case annotations at the bottom of the screen after the statutory section. Virginia court rules links to www.courts.state.va.us. Search strategies will vary depending upon the jurisdiction.

Fastcase also offers databases for newspapers through www.NewsLibrary.com, federal filings searchable by Justia's search engine that links to PACER,³ and legal forms. All these require a subscription or pay-as-you-go access to full text reports.

³ See *supra* ¶ 4.5 of Chapter 4 of this book.