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## Google Scholar Opinions: An Initial Look

By Chris Roy

Google Scholar's (<http://scholar.google.com>) first attempt at making case law available to everyone with an Internet connection is currently the most polished and user-friendly free case law initiative. But even with the ability to search across an impressive collection of state and federal case law, Scholar won't be directly competing with Westlaw, Lexis, or Loislaw with this iteration of its legal opinions search. Moreover, it's likely that Scholar isn't trying to compete with the major legal research databases.

To begin with, Scholar offers a way to search opinions, not statutes, regulations or other primary law documents, which means there are no hyperlinks to statutes or regulations in the text of the opinions. The lack of advance search operators don't allow you to restrict and fine-tune your search to the level often required. And figuring out the scope and currency of the database takes work when it shouldn't.

On the other hand, I've found the relevancy of the top results to be outstanding, which is Google's specialty. The internal hyperlinks to and from footnotes work well. You can bookmark a search and rerun it anytime you choose. You can easily send links to cases via email or chat. The search is fast and saves time, especially when you know ahead of time what you need to retrieve. And its citator, while very different than traditional citation services, offers unique benefits, including citations to titles in Google Books. One thing missing that would seem easy for Google to provide is the ability to save opinions to one's personal library without employing a separate service such as [Evernote](#). Google Books allows a user to save books in a personal library, and Scholar should be no different with opinions.

Below is an overview of coverage for Connecticut and federal case law that is currently available (this is not a complete list) and some tips on using Scholar. I've included screen shots to illustrate various points.

### **What's Included?**

#### Connecticut Case Law

Connecticut Reports - 1950 (volume 136) forward  
Connecticut Appellate Reports - 1983 (volume 1) forward  
Connecticut Supplement - 2003 (volume 49) forward

#### Federal Case Law

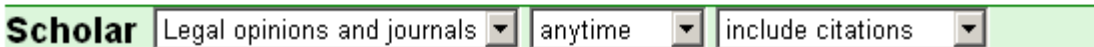
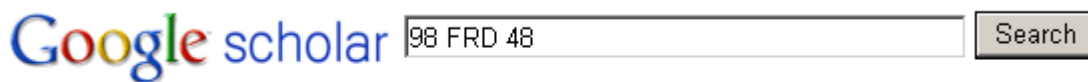
U.S. Supreme Court Opinions  
Federal Reporter 2d and 3d  
Federal Supplement 1st and 2d  
Bankruptcy Reporter

December 2009

## What's Not Included?

Connecticut unreported decisions  
Federal Claims Reporter  
Federal Rules Decisions Reporter

*(Note: Some reporters that are not included in the database as full-text still appear as citations. Make sure that the pull-down menu option for "include citations" is chosen. You do this because Scholar will still provide a list of documents that have cited an opinion even when the full-text is not available for the cited opinion.)*



[CITATION] In re Fine Paper Antitrust Litig.- [How cited](#)  
**98 FRD 48** - 1983  
[Cited by 92](#) - [Related articles](#) - [Import into BibTeX](#)

## How Current Is It?

I noticed that when Scholar launched its legal opinions search (November 17, 2009), the October and November 2009 Connecticut opinions were not in the database. On Wednesday, December 2, I checked again and found that the Scholar had been updated through the mid-November Connecticut opinions. It appears Google Scholar will stay current, although not as current as Westlaw, Lexis, Loislaw, or the Connecticut Judicial Branch advance release opinions page. If you need an opinion released in the previous two weeks, it will likely not be there.

## Basic Search

To search all of the available opinions, simply click the radio button for “Legal opinions and journals.”



[Advanced Scholar Search](#)  
[Scholar Preferences](#)

- Articles ( include patents)  Legal opinions and journals

## Advance Search

Go to the “Advance Scholar Search” page and scroll to the bottom to choose your jurisdiction.

### Legal opinions and journals

- Search all legal opinions and journals.  
 Search only US federal court opinions.  
 Search only court opinions from the following states:

- |   |                                   |  |   |   |  |
|---|-----------------------------------|--|---|---|--|
| <input type="checkbox"/> Alabama                | <input type="checkbox"/> Florida  | <input type="checkbox"/> Louisiana     | <input type="checkbox"/> Nebraska       | <input type="checkbox"/> Oklahoma       | <input type="checkbox"/> Vermont       |
| <input type="checkbox"/> Alaska                 | <input type="checkbox"/> Georgia  | <input type="checkbox"/> Maine         | <input type="checkbox"/> Nevada         | <input type="checkbox"/> Oregon         | <input type="checkbox"/> Virginia      |
| <input type="checkbox"/> Arizona                | <input type="checkbox"/> Hawaii   | <input type="checkbox"/> Maryland      | <input type="checkbox"/> New Hampshire  | <input type="checkbox"/> Pennsylvania   | <input type="checkbox"/> Washington    |
| <input type="checkbox"/> Arkansas               | <input type="checkbox"/> Idaho    | <input type="checkbox"/> Massachusetts | <input type="checkbox"/> New Jersey     | <input type="checkbox"/> Rhode Island   | <input type="checkbox"/> West Virginia |
| <input type="checkbox"/> California             | <input type="checkbox"/> Illinois | <input type="checkbox"/> Michigan      | <input type="checkbox"/> New Mexico     | <input type="checkbox"/> South Carolina | <input type="checkbox"/> Wisconsin     |
| <input type="checkbox"/> Colorado               | <input type="checkbox"/> Indiana  | <input type="checkbox"/> Minnesota     | <input type="checkbox"/> New York       | <input type="checkbox"/> South Dakota   | <input type="checkbox"/> Wyoming       |
| <input checked="" type="checkbox"/> Connecticut | <input type="checkbox"/> Iowa     | <input type="checkbox"/> Mississippi   | <input type="checkbox"/> North Carolina | <input type="checkbox"/> Tennessee      |  |
| <input type="checkbox"/> Delaware               | <input type="checkbox"/> Kansas   | <input type="checkbox"/> Missouri      | <input type="checkbox"/> North Dakota   | <input type="checkbox"/> Texas          |  |
| <input type="checkbox"/> Dist. of Columbia      | <input type="checkbox"/> Kentucky | <input type="checkbox"/> Montana       | <input type="checkbox"/> Ohio           | <input type="checkbox"/> Utah           |  |

December 2009

## Advance Search Operators

Scholar offers very basic advance search operators:

- “+” operator to include common words
- “-” operator to exclude words
- “ ” phrase searching with quotes
- “OR” operator to return results with either search term
- “Intitle:” operator to return results that have the search term in the title

Here’s an example of an “intitle” search:



The screenshot shows the Google Scholar search interface. At the top, the Google Scholar logo is on the left, followed by a search input field containing the text "intitle:roe". To the right of the input field is a "Search" button and a small icon with "A" and "S" above it. Below the search bar is a navigation bar with the word "Scholar" on the left and three dropdown menus: "Connecticut cases", "anytime", and "include citations". Below the navigation bar, there are two search results. The first result is for "Doe v. Roe" with a "How cited" link. The citation is "246 Conn. 652, 717 A. 2d 706 - Conn: Supreme Court, 1998 - Google Scholar". The snippet reads: "The narrow question presented by this appeal is whether the Superior Court has subject matter jurisdiction to render judgment in accordance with an agreement that includes a promise by a surrogate mother to consent to the termination of her parental rights in Probate Court. The ...". Below the snippet are links for "Cited by 36", "Related articles", and "Import into BibTeX". The second result is for "Collard & Roe, PC v. Klein" with a "How cited" link. The citation is "72 Conn. App. 683 - Conn: Appellate Court, 2002 - Google Scholar". The snippet reads: "These appeals and cross appeals arise out of several complex and interrelated cases. The origin of the disputes lies in the short-lived merger of two law firms specializing in intellectual property law. Collard and Roe, a New York firm, and Klein & Vibber, PC (Klein & Vibber), a ...". Below the snippet are links for "Cited by 5", "Related articles", and "Import into BibTeX".

## “How Cited” Tab

The “How Cited” page for each case can be a powerful research tool. I wouldn’t recommend it as a traditional citator to verify whether or not a case is still good law. However, Scholar’s citator brings together citing law review articles, books, and cases and offers direct access to many - but not all - of the articles, including direct links to articles published on university websites. Further, if you have access to HeinOnline or other subscription services, Scholar’s citator is a convenient and quick (direct URLs are provided) way to discover and retrieve articles. As you can see below, Scholar pulls quotes from the citing documents to better illustrate how those documents cite your case.

### How this document has been cited

- “ As a determination regarding a trial court's subject matter jurisdiction is a question of law, our review is plenary. ”  
- in [Honan v. Dimyan, 2004](#) and 11 similar citations
- “ The Connecticut Supreme Court determined that a trial court had jurisdiction to enforce an agreement between the birth mother and the intended parents, executed when the child was 18 months old. ”  
- in [Family law: Cases, text, problems](#) and one similar citation
- “ Several courts, including the California Supreme Court, have also enforced gestational surrogacy contracts and provided, in the absence of statutory authority, that intended parents can be named on the birth certificate. ”  
- in [Columbia Law School](#)
- “ When... the trial court draws conclusions of law, our review is plenary and we must decide whether its conclusions are legally and logically correct and find support in the facts that appear in the record... ”  
- in [Martinez v. Dept. of Public Safety, 2003](#)
- “ In the second case, the Connecticut Supreme Court upheld a post-birth settlement in a traditional custody case in which the birth mother agreed to settle her claim for custody by terminating her parental rights in exchange for additional compensation. ”  
- in [Between Private Ordering and Public Fiat: A New Paradigm for Family Law ...](#)

## In Summary

As a basic primary law research tool, Scholar still lacks statutes, regulations, unreported decisions, integrated document delivery functionality, advanced search operators, and scope information. I've also found more than one instance where appellate opinions that should have been included were missing. However, Scholar's opinions search is a remarkable improvement compared to the previously existing options for finding free case law. Scholar is a handy website for quickly retrieving a case and sharing it (printing, emailing, blogging, etc.). And its "how cited" functionality and relevance rankings make it a valuable research tool that shouldn't be ignored.

*Chris Roy is a law librarian at the Connecticut Judicial Branch Law Library at New Britain. He created and continues to update and develop the Connecticut Law Search Engine at <http://www.ctlawsearch.com>.*