

# Help & Support

## Case Law Powered by Fastcase

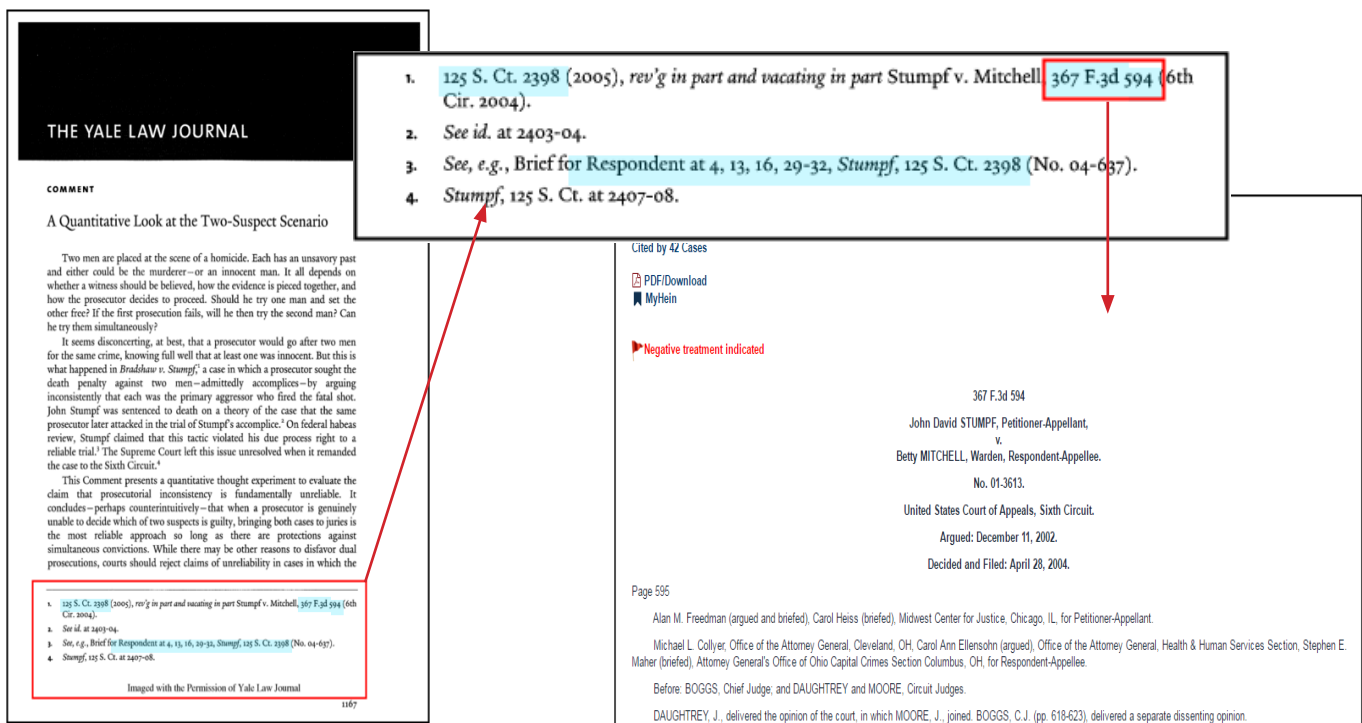
### Quick Reference Guide

HeinOnline has partnered with Fastcase, a leading next-generation legal research service that features powerful “best-case-first” tools that make research faster than ever. This partnership offers HeinOnline subscribers access to a wide array of case law at the federal and state levels and enables HeinOnline users to access the full text of cases through their HeinOnline subscription without the hassle of using multiple research databases. A full list of case law powered by Fastcase can be obtained from this link: <http://www.fastcase.com/whatisfastcase/coverage/>.

There are two levels of access to Fastcase via HeinOnline: Fastcase Basic, which is included at no additional cost with all core HeinOnline subscriptions, and Fastcase Premium, which offers additional features such as the ability to search the full text of all Fastcase case law.

## Fastcase Basic

Fastcase Basic offers the ability to access case law via inline hyperlinks or by entering a case citation from the Fastcase tab on the HeinOnline Welcome Page or inside any HeinOnline library. Like HeinOnline’s “Citations on a Page” feature, case citations referenced in the text of any document in HeinOnline will link to the case in Fastcase. Links will be highlighted in blue, and clicking on the link will pull in the full text from Fastcase.



**THE YALE LAW JOURNAL**

**COMMENT**

A Quantitative Look at the Two-Suspect Scenario

Two men are placed at the scene of a homicide. Each has an unsavory past and either could be the murderer—or an innocent man. It all depends on whether a witness should be believed, how the evidence is pieced together, and how the prosecutor decides to proceed. Should he try one man and set the other free? If the first prosecution fails, will he then try the second man? Can he try them simultaneously?

It seems disconcerting, at best, that a prosecutor would go after two men for the same crime, knowing full well that at least one was innocent. But this is what happened in *Braddshaw v. Stumpf*,<sup>1</sup> a case in which a prosecutor sought the death penalty against two men—admittedly accomplices—by arguing inconsistently that each was the primary aggressor who fired the fatal shot. John Stumpf was sentenced to death on a theory of the case that the same prosecutor later attacked in the trial of Stumpf’s accomplice.<sup>2</sup> On federal habeas review, Stumpf claimed that this tactic violated his due process right to a reliable trial.<sup>3</sup> The Supreme Court left this issue unresolved when it remanded the case to the Sixth Circuit.<sup>4</sup>

This Comment presents a quantitative thought experiment to evaluate the claim that prosecutorial inconsistency is fundamentally unreliable. It concludes—perhaps counterintuitively—that when a prosecutor is genuinely unable to decide which of two suspects is guilty, bringing both cases to juries is the most reliable approach so long as there are protections against simultaneous convictions. While there may be other reasons to disfavor dual prosecutions, courts should reject claims of unreliability in cases in which the

1. 125 S. Ct. 2398 (2005), *rev’g in part and vacating in part* Stumpf v. Mitchell, 367 F.3d 594 (6th Cir. 2004).
2. *See id.* at 2403–04.
3. *See, e.g.*, Brief for Respondent at 4, 13, 16, 29–32, Stumpf, 125 S. Ct. 2398 (No. 04–637).
4. Stumpf, 125 S. Ct. at 2407–08.

Cited by 42 Cases

PDF/Download  
MyHein

► Negative treatment indicated

367 F.3d 594

John David STUMPF, Petitioner-Appellant,  
v.  
Betty MITCHELL, Warden, Respondent-Appellee.

No. 01-3613.

United States Court of Appeals, Sixth Circuit.

Argued: December 11, 2002.

Decided and Filed: April 28, 2004.

Page 595

Alan M. Freedman (argued and briefed), Carol Heiss (briefed), Midwest Center for Justice, Chicago, IL, for Petitioner-Appellant.

Michael L. Collier, Office of the Attorney General, Cleveland, OH; Carol Ann Ellensohn (argued), Office of the Attorney General, Health & Human Services Section, Stephen E. Maher (briefed), Attorney General’s Office of Ohio Capital Crimes Section Columbus, OH, for Respondent-Appellee.

Before: BOGGS, Chief Judge, and DAUGHTREY and MOORE, Circuit Judges.

DAUGHTREY, J., delivered the opinion of the court, in which MOORE, J., joined. BOGGS, C.J. (pp. 618-623), delivered a separate dissenting opinion.

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## Locate Cases by Citation

Cases can also be accessed by entering the proper Bluebook case citation into the citation box available from the Fastcase tab, both from the Welcome Page and from inside a HeinOnline library.

### From the Case Law Tab:

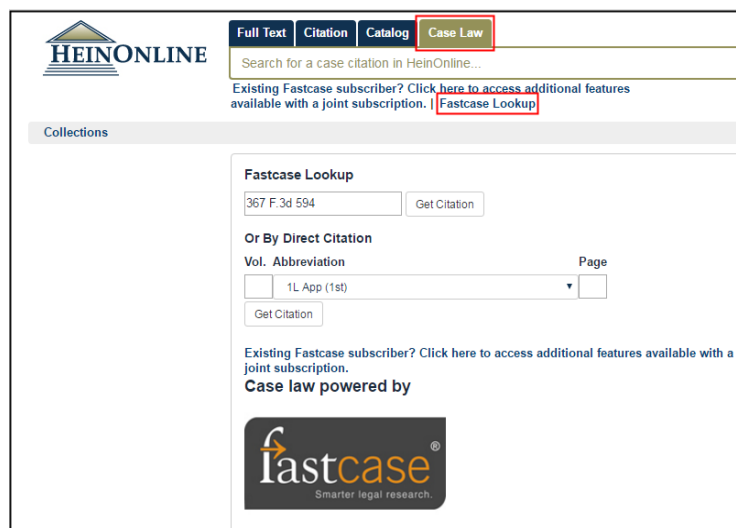
From the Welcome Page or inside any HeinOnline collection, simply type or copy/paste the proper case citation and click the search button. You will be directed to the full text of the case.



The screenshot shows the HeinOnline interface with the 'Case Law' tab selected. A search box contains the citation '367 F.3d 594'. Below the search box, there is a link: 'Existing Fastcase subscriber? Click here to access additional features available with a joint subscription. | Fastcase Lookup'.

### From the Fastcase Lookup Link:


From the HeinOnline welcome page or inside a collection, enter the case citation in the first box and click "Get Citation" or enter the volume and page numbers and use the citation drop-down box to choose the Bluebook abbreviation.



The screenshot shows the 'Fastcase Lookup' section of the HeinOnline interface. It includes a search box with '367 F.3d 594' and a 'Get Citation' button. Below this, there is a section 'Or By Direct Citation' with fields for 'Vol.', 'Abbreviation', and 'Page'. The 'Abbreviation' field is set to '1L App (1st)'. There is also a 'Get Citation' button. At the bottom, there is a link: 'Existing Fastcase subscriber? Click here to access additional features available with a joint subscription.' and a logo for 'fastcase Smarter legal research.'

### Save to MyHein:

From inside a case, click the "MyHein" button to bookmark the case. Then, select or create a tag and click "Save to MyHein Bookmarks." When you wish to view this case later your bookmark will appear in your MyHein account's saved bookmarks list.



The screenshot shows a case page with the citation '367 F.3d 594'. At the top left, there are links for 'Cited by 17 Articles', 'PDF/Download', and 'MyHein'. The 'MyHein' link is highlighted with a red box. Below the 'MyHein' link, there is a 'Select Bookmark' section with a dropdown menu set to 'general'. Below the dropdown, there is a text input field containing 'Stumpf v. Mitchell', which is also highlighted with a red box. To the right of the input field is a 'Save to MyHein Bookmarks' button, which is pointed to by a red arrow. At the bottom of the page, there is a section for the case details, including the citation '367 F.3d 594', the case name 'John David STUMPF, Petitioner-Appellant, v. Betty MITCHELL, Warden, Respondent-Appellee.', the case number 'No. 01-3613.', the court 'United States Court of Appeals, Sixth Circuit.', the argument date 'Argued: December 11, 2002.', and the decision date 'Decided and Filed: April 28, 2004.'

## Other Features Available

### ScholarCheck

HeinOnline's ScholarCheck feature works with Fastcase cases to determine how many articles in HeinOnline cite that particular case. Simply click the "Cited by Articles" link to view the articles in HeinOnline that cite that particular case.

The screenshot illustrates the ScholarCheck feature. On the left, a search results list shows two items. The first item, "Prosecutors as Judges [article]", is selected. A red arrow points from the "Cited by 17 Articles" link in the case detail view to the search results. The case detail view on the right shows the case name, citation (367 F.3d 594), and a list of citing articles. The search results list on the left shows the following items:

- Prosecutors as Judges [article]**  
Washington and Lee Law Review, Vol. 67, Issue 4 (Fall 2010 ), pp. 1413-1532  
Luna, Enk (Cited 743 times); Wade, Marianne (Cited 26 times)  
67 Wash. & Lee L. Rev. 1413 (2010)  
[Turn to page](#)  
sent to death row". 424. See, e.g., Stumpf v. Mitchell, 367 F.3d 594, 613 (6th Cir. 2004) ("In this  
[Cited by 23 Articles](#)  
[Accessed 48 Times](#)
- Lawyers, Truth, and Honesty in Representing Clients [article]**  
Notre Dame Journal of Law, Ethics & Public Policy, Vol. 20, Issue 1 (2006), pp. 209-278  
Henning, Peter J. (Cited 469 times)  
20 Notre Dame J.L. Ethics & Pub. Poly 209 (2006)  
[Turn to page](#)  
situation in Stumpf v. Mitchell, 367 F.3d 594 (6th Cir. 2004); rev'd on other grounds sub nom. Bradshaw v  
[Cited by 17 Articles](#)  
[Accessed 31 Times](#)

The case detail view on the right shows the following information:

- Cited by 17 Articles**
- [PDF/Download](#)
- [MyHein](#)
- Negative treatment indicated**
- 367 F.3d 594**
- John David STUMPF, Petitioner-Appellant,**  
**v.**  
**Betty MITCHELL, Warden, Respondent-Appellee.**
- No. 01-3613.**
- United States Court of Appeals, Sixth Circuit.**
- Argued: December 11, 2002.**
- Decided and Filed: April 28, 2004.**
- Page 595**
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- Michael L. Collyer, Office of the Attorney General, Cleveland, OH, Carol Ann Ellensohn (argued), Office of the Attorney General, Health & Human Services Section, Stephen E. Maher (briefed), Attorney General's Office of Ohio Capital Crimes Section Columbus, OH, for Respondent-Appellee.
- Before: BOGGS, Chief Judge, and DAUGHTREY and MOORE, Circuit Judges.
- DAUGHTREY, J., delivered the opinion of the court, in which MOORE, J., joined. BOGGS, C.J. (pp. 618-623), delivered a separate dissenting opinion.
- OPINION**

### Parallel Citations

Cases or judicial opinions can be published by more than one publisher. When this occurs, the case name may be followed by one or more parallel citations. The official reporter is provided by the publisher with which the court has contracted to publish its cases; any other citation is called "unofficial." It is acceptable to cite either the official or unofficial versions, as the text of the opinions will be the same.

#### Example

In this example, U.S. Supreme Court decisions are reported in three reporters: United States Supreme Court Reports (U.S. - the official government publication); Supreme Court Reporter by West Publishing (S. Ct. - an unofficial reporter); and United States Supreme Court Reporter, Lawyer's Edition published by the Lawyers Cooperative Publishing Company (L. Ed. 2d - another unofficial reporter). In this case, 391 U.S. 367 is the official citation and the others are parallel citations.

391 U.S. 367  
88 S.Ct. 1673  
20 L.Ed.2d 672  
UNITED STATES, Petitioner,

## Case-to-Case and Case-to-Article Linking

Fastcase via HeinOnline offers the ability to click links and be quickly directed to the case or article referenced by the link. Cases and articles that are included in the HeinOnline database will link back to HeinOnline PDF images via the inline hyperlinks; cases available via Fastcase will display HTML text.

68. *Id.* at 802.  
69. *Id.*  
70. *Id.* at 804.  
71. See *Bennett v. Schmidt*, 153 F.3d 516, 518-19 (7th Cir. 1998) (reversing the district court's grant of a motion to dismiss a repetitious employment discrimination complaint that pled intent only generally).  
72. See 550 U.S. 544, 516 (2007) (heightening the pleading standard in civil suits by holding that complaints in antitrust suits under section 1 of the Sherman Act must allege "enough factual matter (taken as true) to suggest that an agreement was made").

Included in HeinOnline, and will display as an image-based PDF

Included in Fastcase, and will be pulled into HeinOnline and displayed as HTML text

...ion was brought against the individual defendants under Title VII, it was "outset").

78. *Guardians Ass'n of the N.Y.C. Police Dep't v. Civil Serv. Comm'n*, 630 F.2d 79, 91 (2d Cir. 1980); *Suk*, *supra* note 29, at 441.

79. See *George Ruterglen, Disparate Impact Under Title VII: An Objective Theory of Discrimination*, 73 VA. L. REV. 1297, 1318 (1987) (describing the Supreme Court's varying degrees of deference to EEOC validation guidelines in different cases).

80. 29 C.F.R. § 1607 (2011).

81. See Ruterglen, *supra* note 79, at 1319-20.

82. See Ruterglen, *supra* note 79, at 1319 ("The circuit courts have generally accepted the guidelines as expert advice on technical issues, but not as binding authority on questions of statutory interpretation.").

83. See, e.g., *Guardians Ass'n*, 630 F.2d at 91 ("[I]t is not at all clear that *Griggs* requires observance of all the intricate details of the Guidelines.").

link to article contained in HeinOnline

## Negative Treatment Indicator

Fastcase offers an authority check feature that indicates when a case has been treated negatively (reversed or overruled on any grounds). Fastcase Basic includes the negative treatment indicator, which will display a red flag at the top of the page for any such case.

Cited by 17 Articles

PDF/Download  
MyHein

🚩 Negative treatment indicated

367 F.3d 594

John David STUMPF, Petitioner-Appellant,  
v.  
Betty MITCHELL, Warden, Respondent-Appellee.

No. 01-3613.

United States Court of Appeals, Sixth Circuit.

Argued: December 11, 2002.

Decided and Filed: April 28, 2004.

## Download/Print to PDF

From any Fastcase document, simply click Download PDF to quickly obtain a printable document.

Cited by 17 Articles

PDF/Download  
MyHein

🚩 Negative treatment indicated


## Fastcase Premium

Fastcase Premium offers the same features as Fastcase Basic, including access to cases via HeinOnline through inline linking and case law citation lookup as well as ScholarCheck article references and the Negative Treatment Indicator. In addition to the standard features included with HeinOnline core subscriptions, several valuable enhancements are available by upgrading to Fastcase Premium! If you are already a Fastcase subscriber, you can likely upgrade to Premium at no additional cost. Simply click the "Existing Fastcase Subscriber?" link below the Enter Case Citation boxes from the HeinOnline Welcome Page or from inside any HeinOnline library, and you'll receive detailed instructions on how to synchronize your accounts.

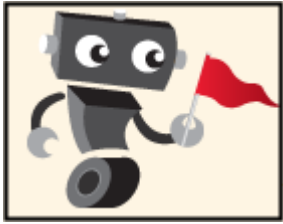
## Search Fastcase's Full Text and Metadata

The screenshot shows the Fastcase search interface. A red box highlights the 'Fastcase' link in the 'Collections' list on the left. A red arrow points from this link to the 'Text' dropdown menu in the search filters. Another red box highlights the 'Text' dropdown menu. The search interface includes a search bar, tabs for 'Full Text', 'Citation', 'Catalog', and 'Case Law', and a 'Search' button. Below the search bar, there are filters for 'Text', 'Case Name', and 'Citation', each with a dropdown menu and a radio button. The 'Text' dropdown is currently selected. Below the filters, there are fields for 'Date: (YYYY)' and 'To: (YYYY)', and a 'Sort by: Relevance' dropdown. A 'Search' button is located below these fields. A 'Search Tips' section is also visible at the bottom.

Clicking on Fastcase from the list of available collections will produce the search tool, enabling the user to search the full text and metadata of all cases included in the Fastcase database. Options to search by Case Name, Citation, Party, Court and more are also available by using the drop-down menu highlighted above. For example, a search using Case Name for Tasini will produce the results shown in the example below.

 HeinOnline's ScholarCheck feature is also enhanced! Not only will this tool display articles that cite the current case, upgrading to Fastcase Premium will enable ScholarCheck to cite additional cases that cite the original case. The ScholarCheck icon will appear in both the search results (as shown right) or on the page of the case (below).

The screenshot shows a search result for 'Tasini v. Aol, Inc.' dated March 30, 2012. The result is listed as '851 F.Supp.2d 734, 40 Media L. Rep. 1641'. A red box highlights the 'Case Summary' link. Below the case information, there is a 'Header' section with details about the case, including the parties, the court, and the docket number. A red box highlights the 'Cited by 4 Articles Cited by 6 Cases' link. A red arrow points from this link to a text box that says 'ScholarCheck is enhanced to display both law review articles AND cases that cite the current case'. At the bottom of the result, there are links for 'PDF/Download' and 'MyHein'.



## Negative Treatment Indicator

The **Negative Treatment Indicator** is also enhanced by upgrading to Fastcase Premium. In addition to simply indicating a case's negative treatment, the indicator will become a hyperlink, revealing the specific court cases that have overturned or reversed the cited case. Fastcase calls this enhancement **Bad Law Bot**, and at HeinOnline we agree he's pretty cute in addition to being very helpful!

▶ **Tasini v. New York Times Co.**, 972 F.Supp. 804 (S.D.N.Y., 1997)

### Fastcase's Bad Law Bot Beta! - what other courts have said about this case

Fastcase's Bad Law Bot reads through the citations in Fastcase, flagging negative court cases that have overturned or reversed the cited case.

The following cases have posted negative treatment of this case:

- Bieg v. Hovnanian Enterprises, Inc., 157 F.Supp.2d 475 (E.D. Pa., 2001)
- Bieg v. Hovnanian Enterprises, Inc., CIVIL ACTION NO. 98-CV-5528 (E.D. Pa. 6/26/2001) (E.D. Pa., 2001)
- Faulkner v. National Geographic Enterprises Inc., 409 F.3d 26 (Fed. 2nd Cir., 2005)
- Foraste v. Brown University, 290 F.Supp.2d 234 (D.R.I., 2003)
- Faulkner v. National Geographic Society, 294 F.Supp.2d 523 (S.D.N.Y., 2003)

Cited by 99 Articles  
Cited by 17 Cases


PDF/Download  
MyHein

▶ Negative treatment indicated

## Search Results

With Fastcase Premium, case law is included in search results when searching across all subscribed collections in HeinOnline! For example, a search for "Tasini v. New York Times Co." will reveal 208 results. The facets on the left side of the screen, used for narrowing search results, now include Cases as a category.

From the HeinOnline Welcome Page, use the one-box search tool under the Case Law tab to search for your case. Phrases should be contained inside quotation marks; enter text and click Search.



Full TextCitationCatalogCase Law

"Tasini v. New York Times Co."

Q

Search Fastcase | Fastcase Lookup

Checking the box next to Cases from the search facets will display all cases that contain the exact phrase "Tasini v. New York Times Co." This will include the case itself and other cases that mention the current case. Results include both the Case Summary and ScholarCheck citation information.

Section Type

☒ Cases (66)  
☐ Articles (60)  
☐ Notes (37)  
☐ Comments (18)  
[Show More](#)

1. **Tasini v. New York Times Co.**  
October 29, 1997  
981 F.Supp. 841  
☐ Case Summary

2. **Tasini v. New York Times Co.**  
August 13, 1997  
972 F.Supp. 804  
☐ Case Summary

MyHein

Cited by 32 Articles  
Cited by 3 Cases

MyHein

Cited by 99 Articles  
Cited by 17 Cases



## Case Law Powered by Fastcase | Quick Reference Guide

Here is a brief summary of the features available via both Fastcase Basic, which is included with all HeinOnline core subscriptions at no additional cost, and Fastcase Premium.

Features	Basic (Included with Core)	Premium
Case law linking from publications in HeinOnline	X	X
Case law citation look-up	X	X
ScholarCheck: Articles that cite the current case	X	X
Negative Treatment Indicator	X	X
Case-to-case linking	X	X
Print/Download PDF	X	X
Bad Law Bot full negative treatment analysis		X
ScholarCheck: Cases that cite the current case		X
Full-text and metadata searching of all case law		X
Case law included in search results from HeinOnline's search all subscribed collections tool		X

# HeinOnline Help & Support

<http://help.heinonline.org>

Our HeinOnline Help & Support page is fully searchable and user-friendly. It is integrated with our HeinOnline Blog to give you access to help topics and subjects covered previously.



## Frequently Asked Questions:

This section includes answers to questions about access, branding, MyHein, privacy, short-term subscription options, the HeinOnline app and more!

## Library Specific Support:

This section provides detailed examples of features, tools, and searching in specific HeinOnline libraries. It also contains all related support material for each library, which may include videos, FAQs, search syntax and helpful links.

## Training Guides:

Download user's guides, quick reference guides, searching guides and more! All material is in PDF format.

## Videos & Webinars:

Are you looking for live examples? Find our video library and webinar archive here.

If you have any questions, contact our support team by email at [holsupport@wshein.com](mailto:holsupport@wshein.com), by [Live Chat](#), or by phone at (800) 277-6995.

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