

# Casemaker—Overview of New Features and Insider Tips

by Wanda J. McDavid

Casemaker, the online legal research library that's free to CBA members, is often cited by members as the number one membership benefit. On May 1, 2014, the CBA launched the latest, enhanced version of Casemaker, which includes the following premium products at no cost to members: Casecheck+, CiteCheck, and Casemaker Digest. Casecheck+ and CiteCheck work to improve the functionality of Casemaker. Casemaker Digest offers an easy way to stay abreast of new case law in the state and other jurisdictions of interest. This article provides an overview of the newest version of Casemaker, including Casecheck+, CiteCheck, and Casemaker Digest, and discusses other important features. The corresponding screenshots are provided in the Appendix to the article.

## How to Get Started

CBA members who use the automatic login feature on the CBA website<sup>1</sup> can bookmark or add to their favorites folder the following link: [www.cobar.org/casemaker](http://www.cobar.org/casemaker). A second way to access Casemaker is by selecting the Casemaker icon from the left margin on the CBA home page, which opens a page with a bold red link that reads "Click here to enter Casemaker."

Casemaker neophytes and frequent users alike can take advantage of Colorado-specific video tutorials on the CBA website.<sup>2</sup> The CBA also offers webinar and in-person training on the various upgrades.<sup>3</sup> The "Tech Tuesday"<sup>4</sup> Casemaker webinar on the new premium services was prepared by Reba Nance, CBA director of the Law Practice Management Department, and gives a good overview of the new services.

## Single Search

To run a search in Casemaker's Colorado Library, use the single search bar located at the top center of the screen (see Screenshot 1). Relevant materials returned are categorized in the left section of the screen showing how many results and in what categories there are results based on the single search. The center section of the screen displays the results of the category that returned the highest number of hits.

## Search Within Results

The Colorado Library enables users to search within a search. To "Search Within Results," click on a category in the grey box on the left side of the screen. Casemaker will navigate to another screen showing the various options available for conducting a search to narrow or to filter the results within that category. Each category offers the ability to search by single or multiple keywords. In addition, each category offers other filters specific to the category. For cases, in addition to conducting a "Search Within Results" by keyword, the user can filter by jurisdiction, or by a specific cite, docket number, case name, judge, attorney, or date range. In the Statutes category, the Search Within Results additional filters are titles/chapters and section. In the Bar Journal results, the additional filters are title and author.

## My Folders

The "My Folders" feature helps the user organize and retain searches and results. The user is able to create and name folders



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however they want, such as by client, legal topic, or fact issue. Cases, statutes, and articles can be added to a specific folder by dragging and dropping the item into the folder icon at the top right of the screen. Items will remain in the folder until the user removes them. All items in the folder are actually hyperlinks, so that when that case is viewed, all subsequent positive or negative history is displayed.

## Notes

Notes can be added to cases and will stay there until they are deleted. When viewing a case, there is a drop-down menu on the right side of the navigation bar that says “Notes.” The three options are “Add Note,” “Show Note,” and “Hide Note.” To add a note, just select “Add Note” and a pop-up box will appear; the note field allows 255 characters and shows the number of characters available as the user types. After the note is complete, select “Save.” The note will appear on the case right below the Casecheck+ treatment at the top of the screen. Casemaker allows the user to add as many notes as needed to each case.

If you would like to send the case with the notes to another member of the firm or to a client, there is a simple procedure to follow. Select the e-mail icon in the top-right corner of the screen, and enter the pertinent information (e-mail address, subject, message, and format) in the fields provided in the pop-up box. Then add a checkmark to the “Notes” box under “Attach,” and select “Email.” The recipient will receive the case as an attachment; the note(s) will be on the last page of the case. The notes will remain with the case associated with the user’s ID until the user deletes or hides them, so when e-mailing a case to opposing counsel, consider whether to check the box to attach notes.

## Batch Delivery Options

Casemaker now allows the user to print, e-mail, or download a list of selected documents or the full text of the documents. When viewing a list of results, choose the “Select All” box at the top of the results, and then choose the preferred delivery option (print, e-mail, or download). A pop-up will appear allowing the user to select either the list of items or all documents. Additional functionality includes the ability to attach a cover sheet before sending the selected items, as well as the ability to show term highlighting.

## Casecheck+

Casecheck+ is Casemaker’s citator system. When viewing search results, a green thumbs-up icon means the case is good law, and a red thumbs-down icon means that the case has had negative treatment (see Screenshot 2).

A red thumbs-down could mean a variety of things; the actual treatment is displayed when the user views the case. A few examples of the types of references displayed include “Certiorari Granted,” “Reversed,” “Overruled,” “Superseded,” “Criticized,” “Affirmed in Part,” or “Reversed in Part,” followed by the name of the case where the treatment is discussed, as well as a link to the full text. When viewing a case with no negative treatment, users will see the green thumbs-up icon and the phrase “No negative treatment in subsequent cases” at the top of the page (see Screenshot 3).

Another feature Casemaker has added to the search results page is a graph of all cases citing the case from Colorado, the federal courts, and other state jurisdictions. The icon for the graph is located at the top right of the screen, directly below the delivery options (see Screenshot 2). When viewing the graph, place the mouse over a point on the line graph and click on the pop-up reference. The case that has cited the viewed case is named with a hyperlink to the full text of the citing case. To see a list of all cases that appear on the line graph, choose the “Citing References” link right below the navigation bar. The link shows in parenthesis the number of times the viewed case has been cited.

## CiteCheck

With CiteCheck, the user can upload to Casemaker a pleading, brief, motion, or memorandum, or even a list of citations. Accepted formats are text files, Microsoft Word documents, and searchable PDF documents. Casemaker will quickly analyze every citation in the document and provide a report showing which citations are good law and which have received negative treatments, as well as identify potential citation format errors. Casemaker is programmed to read *Bluebook* citation format.

CiteCheck is only accessible from the Casemaker home page. Once there, select the “Tools” tab on the blue navigation bar and then select CiteCheck (see Screenshot 4).

From here, users can upload a brief or a document by using the “Choose File” or “Browse” buttons, and then selecting the “Submit” button (see Screenshot 5).

Casemaker encourages users to notify them if a particular citation format appearing in the uploaded document is not included in the report, so that Casemaker can add it to the software.

## Casemaker Digest

Casemaker Digest is a daily summary of appellate decisions for Colorado and all federal circuits, categorized by subject. Casemaker Digest will e-mail the latest cases in the selected jurisdictions and subject areas of interest. To access Casemaker Digest, the user must be at the home page of Casemaker. From there, select the “Tools” tab on the blue navigation bar, and then select “Casemaker Digest.” At the point of entry, the user can sign up for summary delivery by e-mail or RSS feeds. The user first selects the jurisdiction and then can also review cases by week, search by keyword, and sort by date decided or date filed. When viewing a particular group of cases, the digested material is organized by a brief issue; the particulars of the

case (short title, area of practice, court, date decided, docket number, judge, and date added); and a short summary of the case, including the decision of the court (see Screenshot 6).

### Insider Tips

The following tips will maximize research time and assist in organizing an efficient search strategy. The online user documentation is another resource for assistance.<sup>5</sup>

### Shortcut to the Home Page

To search for materials from a different jurisdiction, the user must return to the home screen and select a new jurisdiction. The fastest way to the home page is to select the Casemaker logo in the upper-left corner of the screen (see Screenshot 7).

### E-mailing Documents

When a document or list of documents is e-mailed to someone from Casemaker, the recipient receives an e-mail from Casemaker rather than from the user. It is a good idea to put the user's name in the subject line or at the beginning the message so the recipient knows who is sending the message.

### Accessing Search Tips

In previous versions of Casemaker, the search tips were included at the bottom of each page. Now the user must select the "search tips" link, which is located under the search button at the top-right of the page (see Screenshot 8).

It is a good idea to print the search tips and keep them next to the computer for easy reference (see Screenshot 9).

### Research History

The "History" link at the top of the screen tracks all of the user's searches and displays the date and time of the research. If a client matter number was assigned to the research, that is displayed too. The user controls when the history is deleted and how far back it is deleted through the "Delete search history" drop-down menu in the top-right corner of the screen (see Screenshot 10). Deletion options are: "Search history except last one week," "Search history except last one month," and "Entire Search History."

### Conclusion

With the addition of Casecheck+, CiteCheck, and Casemaker Digest, the CBA Casemaker service is a robust product. CBA members are encourage to take advantage of Casemaker's training sessions, videos, and webinars to learn more about additional features, such as the ability to copy a case with its citation, tracking research by client matter number, the advance search capability, and the mobile app. Using Casemaker will save you time and money.

### Notes

1. This is done by selecting "Remember my logon on this computer" on the CBA website's login page at [www.cobar.org](http://www.cobar.org).
2. Colorado-Specific Tutorials, [www.cobar.org/index.cfm/ID/22563/DCCO/Casemaker-Tutorials](http://www.cobar.org/index.cfm/ID/22563/DCCO/Casemaker-Tutorials).
3. CBA, "Getting Help," [vimeo.com/45732567](http://vimeo.com/45732567).
4. CBA, "Tech Tuesday—Casemaker—Premium Services Are Now Available at No Cost to CBA Members!" [vimeo.com/96828748](http://vimeo.com/96828748).
5. Casemaker User Guide, [www.casemakerlegal.com/CasemakerLegalUserManual.pdf](http://www.casemakerlegal.com/CasemakerLegalUserManual.pdf). ■

## Appendix

### Screenshot 1

The screenshot shows the Casemaker website interface. At the top, there is a search bar with the text "professional liability" and a "SEARCH" button. Below the search bar, there are navigation tabs for "All Content" and "Colorado". The main content area is divided into two sections: "Bar Journal" and "Cases".

**Bar Journal** (View All 1,137)

1. 2007, August, Pg. 151. Court Business – August 2007 – Court Business.
  - ...to Chapters 18 to 20 Colorado Rules of Professional Conduct Repealed and Readopted by the Court, En...
  - ...Coats, Justice Colorado Supreme Court Colorado Rules of Professional Conduct As adopted by the Colorado Supreme Court ...
  - ...3. Responsibilities Regarding Nonlawyer Assistants Rule 5.4. Professional Independence of a Lawyer Rule 5.5. Unauthorized ...
  - ...Judicial and Legal Officials Rule 8.3. Reporting Professional Misconduct Rule 8.4. Misconduct Rule 8.5 ...
2. 1992, October, Pg. 2125. Colorado Rules of Professional Conduct.
  - ...1992, October, Pg. 2125. Colorado Rules of Professional Conduct. Colorado Lawyer 1992, 1992, October, Pg. 2125. Colorado Rules of Professional Conduct 2125 Vol. 21, No. 10, Pg. 2125 ...
  - ...Colorado Rules of Professional Conduct Effective January 1, 1993 CONTENTS PREFACE AND...
  - ...Responsibilities Regarding Nonlawyer Assistants 2163 Rule 5.4 Professional Independence of a Lawyer 2163 Rule 5.5 ...

**Cases** (View All 796)

3. State, Dep't of Corrections v. Nieto, 993 P.2d 493 (Colo. 2000)
  - State, Dep't of Corrections v. Nieto, 993 P.2d 493 (Colo. 2000) Supreme Court of Colorado February 14, 2000 993 P.2d 493
  - ...civil action for "damages ... based upon the alleged professional negligence of ... a licensed professional." The certificate of review certifies that a plaintiff ...
  - ...can nonetheless proceed to litigate his claims of professional negligence under Colorado law. We hold that a ...
  - ...certificate of review may not pursue such a professional negligence claim. In our view, the Colorado General ...
4. North Colorado Med. Cnt. v. Nicholas, 27 P.3d 828 (Colo. 2001)
  - North Colorado Med. Cnt. v. Nicholas, 27 P.3d 828 (Colo. 2001) Supreme Court of Colorado June 25, 2001 27 P.3d 828
  - ...not conform to the requirements of the Colorado Professional Review Act, sections 12-36.5-101 to ...
  - ...11101 to 11152 (1995) (HCQIA). We hold that professional peer review conducted in a private medical facility ...
  - ...HCQIA, and are therefore immune from suit and liability for damages for Nicholas's state contract and ...
  - ...id. at 287, 289. II. We hold that professional peer review conducted in a private medical facility ...

Screenshot 2

The screenshot shows the Casemaker search interface. The search term is "Employment age Discrimination". The results are sorted by Relevance. Three results are visible:

- 1. Crawford Rehabilitation Services, Inc. v. Weissman, 938 P.2d 540 (Colo. 1997)** - Supreme Court of Colorado, June 9, 1997. 938 P.2d 540. A circled "50" is next to the citation.
- 2. Wisheart v. Meganck, 66 P.3d 124 (Colo.App. 2002)** - Court of Appeals of Colorado, First Division, August 15, 2002. 66 P.3d 124. A circled "8" is next to the citation.
- 3. Fair v. Red Lion Inn, 943 P.2d 431 (Colo. 1997)** - Supreme Court of Colorado, June 30, 1997. 943 P.2d 431. A circled "11" is next to the citation.

On the left sidebar, the "Category: Case Law" is selected. The "Cite" field is empty, and the "Docket Number" field is also empty.

Screenshot 3

The screenshot shows the Casemaker document viewer for the case "Black v. Southwestern Water Conservation Dist., 74 P.3d 462 (Colo.App. 2003)". The document text is as follows:

Black v. Southwestern Water Conservation Dist., 74 P.3d 462 (Colo.App. 2003) Court of Appeals of Colorado, First Division May 8, 2003 74 P.3d 462

No negative treatment in subsequent cases

74 P.3d 462

74 P.3d 462 (Colo.App. 2003)

Michael C. BLACK, James Decker, Susan L. Kimbler, and Jerry Swingle, Taxpayers for the Animas River, Plaintiffs-Appellants,

v.

SOUTHWESTERN WATER CONSERVATION DISTRICT, and Frank (Sam) E. Maynes, Fred V. Kroeger, and Mary K. Fenswick, custodians of records, Defendants-Appellees.

No. 02CA0468.

Court of Appeals of Colorado, First Division

May 8, 2003.

Rehearing Denied Aug. 21, 2003.

74 P.3d 463

[Copyrighted Material Omitted]

Screenshot 4

The screenshot shows the search filters and promotional text at the bottom of the Casemaker interface. The search filters are:

- KEYWORD
- CITATION
- PARTY
- SECTION
- DOCKET No.
- Turn off Autocorrect ?

The "BROWSE" section includes:

- All Content
- Federal Materials
- State Materials
- Tools
- Archive
- Legal News

Below the filters, there are two promotional messages:

- Casemaker Digest**: Daily summary of appellate decisions for your state and all federal circuits, categorized by subject. Casemaker Digest will email or send you an RSS feed of the latest cases in your selected jurisdictions and subject areas of interest.
- CaseCheck**: Upload a brief or pleading and within 90 seconds Casemaker will provide a report stating whether your case citations continue to be good law.

Screenshot 5



Screenshot 6

Logout | Terms of Use | Help

# COLORADO CASEMAKERdigest™

**Jurisdictions** ▾

**Available weeks** [more >](#)

**Sort By :**  
 Date Decided  Date Added

**All Summaries**  
2471 cases available

**Recent Summaries**  
7 cases posted in last 7 days

**Current Week**  
0 cases available

**September 22, 2014**  
9 cases available

**September 15, 2014**  
0 cases available

**September 08, 2014**  
11 cases available

**September 01, 2014**  
0 cases available

**August 25, 2014**  
6 cases available

**August 18, 2014**  
0 cases available

**August 11, 2014**  
35 cases available

**August 04, 2014**  
20 cases available

**July 28, 2014**  
8 cases available

**July 21, 2014**  
0 cases available

**July 14, 2014**  
2 cases available

Page 1 of 1 Go to  Go

Sort by  Results / page 25

Displaying cases 1 - 9 of 9

**Refine search by adding filters**

Enter keyword search here

**Areas of practice** All 10 >

- Appellate: Civil 1
- Business 1
- Constitution 6
- Contracts 1
- Corporations 1

**Courts**

- Colorado Court of Appeals 6
- Colorado Supreme Court 2
- Tenth Circuit Court of Appeals 1

**Judges** All 8 >

- Brian D. Boatright 1
- Daniel M. Taubman 2
- David J. Richman 1
- Dennis Graham 1
- Nancy E. Rice 1

**In plea to kidnapping of a minor, defendant knowingly and intelligently waived his right to collaterally attack his conviction, and failed to show denial of constitutional right on appeal of denial of his federal habeas petition**

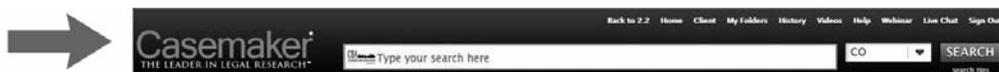
Short name: United States v. McGuire  
 Areas of practice: Criminal, Evidence, Procedure  
 Court: Tenth Circuit Court of Appeals  
 Date decided: September 27, 2014  
 Docket number: 14-6094  
 Judge: Timothy M. Tymkovich  
 Date added: September 03, 2014

The defendant kidnapped a ten-year-old girl. He later pleaded guilty to kidnapping of a minor and filed a federal habeas petition under 28 U.S.C. Section 2255. The district court dismissed his petition on the grounds that his collateral attack on his conviction was barred by the collateral attack waiver in his plea agreement. The defendant proceeding pro se, requested a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. section 2255 motion. The Tenth Circuit noted that the defendant had failed to make a substantial showing of the denial of a constitutional right as to those claims. Further, the Rule 11 colloquy confirmed that the defendant knowingly and voluntarily entered into the plea agreement and was fully informed of the nature of the charges against him, as well as the rights he was giving up in his plea agreement and waiver. Furthermore, the record failed to support the defendant's assertions that his counsel's performance in negotiating his guilty plea and the plea agreement was constitutionally deficient, or that he suffered any prejudice. There was nothing else in the record indicating that his claims were subject to the other exceptions that would make enforcement of the waiver a miscarriage of justice. Thus, enforcement of the plea agreement waiver would not result in a miscarriage of justice. Accordingly, the court denied the defendant's request for a COA and dismissed the appeal.

[Casemaker](#)

Remand required to determine whether the independent source exception to the exclusionary rule permitted the use at trial of the information obtained from defendant's cell phone, despite the prior illegality of the examination of the three text messages

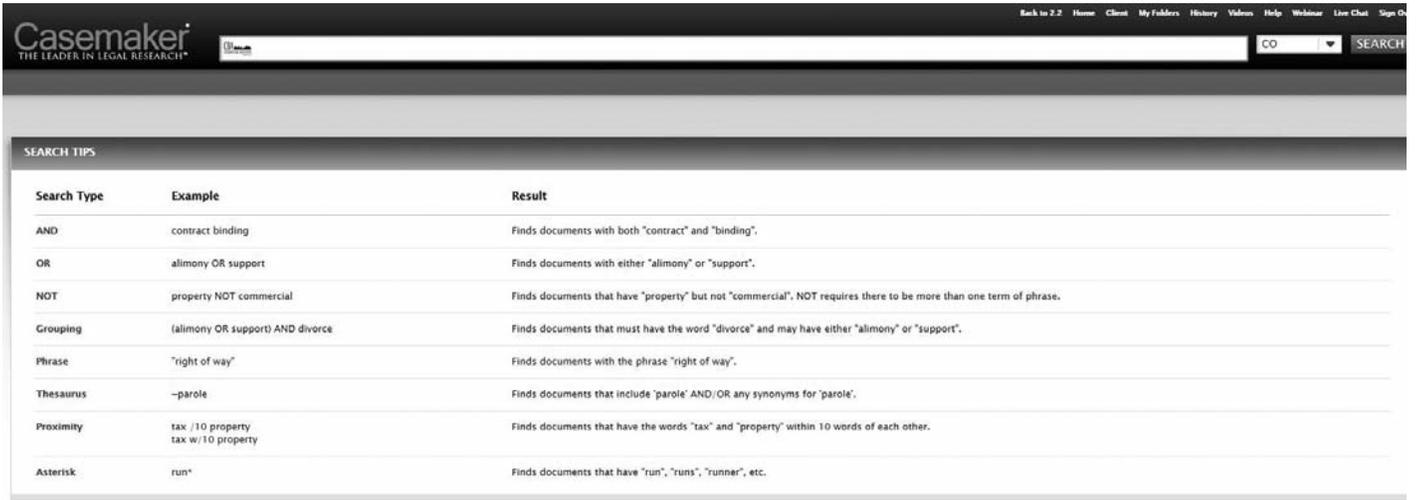
Screenshot 7



Screenshot 8



Screenshot 9



Screenshot 10

