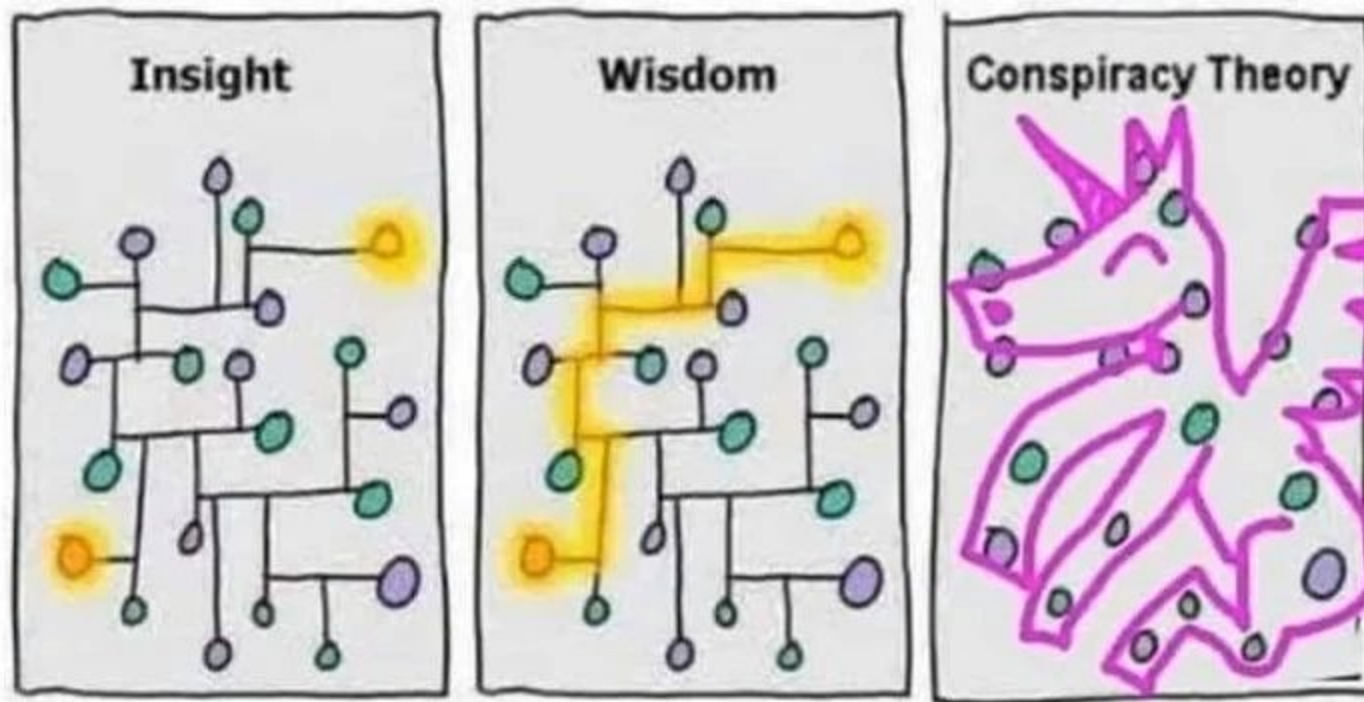
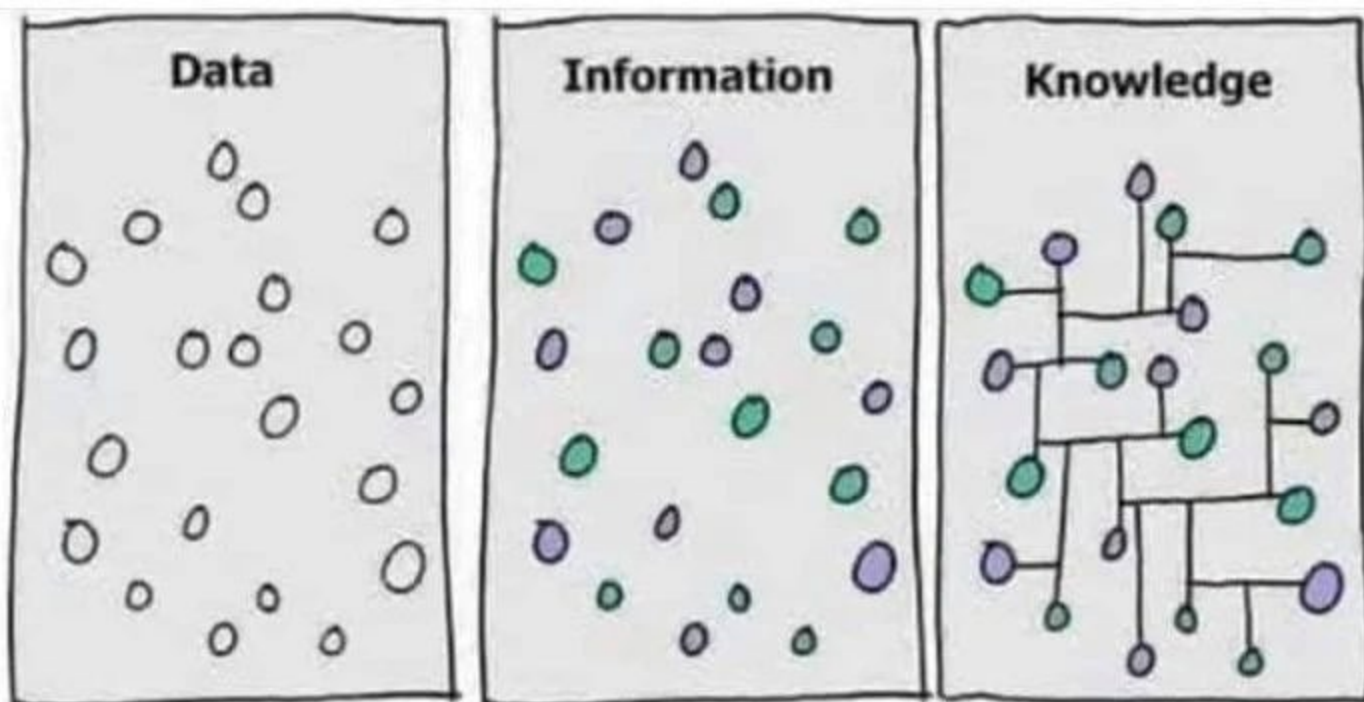
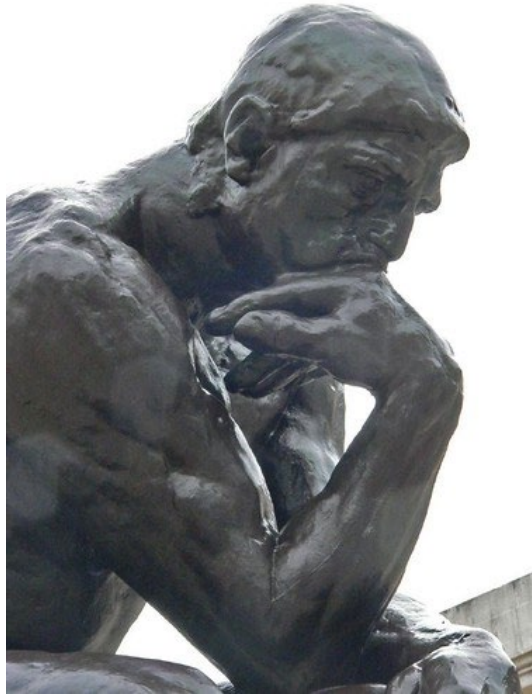


Effective Research Tips, Trick, and More for Busy Defenders

Rob Mead, JD, MLS – State Law Librarian
Washington Supreme Court
rob.mead@courts.wa.gov
360-357-2156





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How Do We Get Wiser About Legal Research?

- Neurology – build knowledge for the long term
- Efficiency – build on existing resources
- Efficacy – build on success for good client outcomes

Neurology – Learning Theory

“When lawyers learn about an area of law and focus on specific facts for a specific research problem, they construct a matrix in their minds of resources where the facts are similar or not, the law is similar or not, and the outliers. **For experts, that matrix persists, and new facts or new rules and norms can be put into that matrix easily,** for a quick analysis of the state of the law on a particular topic.”

Susan Nevelow Mart, Adam Litzler, and David Gunderman, *Hunting and Gathering on the Legal Information Savannah*, 114 *Law Library Journal* 5, 15 (2022).

How do we build a criminal law mental matrix?

Paul Callister – Law Professor & Library Directory at UMKC Law School –
The Metacognitive Imperative (available on SSRN)

Metacognition – “the underlying thought process of experts that enables them to learn from experience and ultimately to act on intuition” or “thinking about thinking”

Cognitive apprenticeship – making the expert’s tacit process for solving problems explicit so that novices may observe and learn

Self-reflection and self-correction – “Why did my approach to the problem fail?” “Does my schema work for this problem?” “Do I need to modify it?” “Do I know I know it?”

Daniel T. Willingham, Psych Prof at UVA in NYT
Opinion 4/20/2023 – *Outsmart Your Brain: Why
Learning Is Hard and How You Can Make It Easy.*

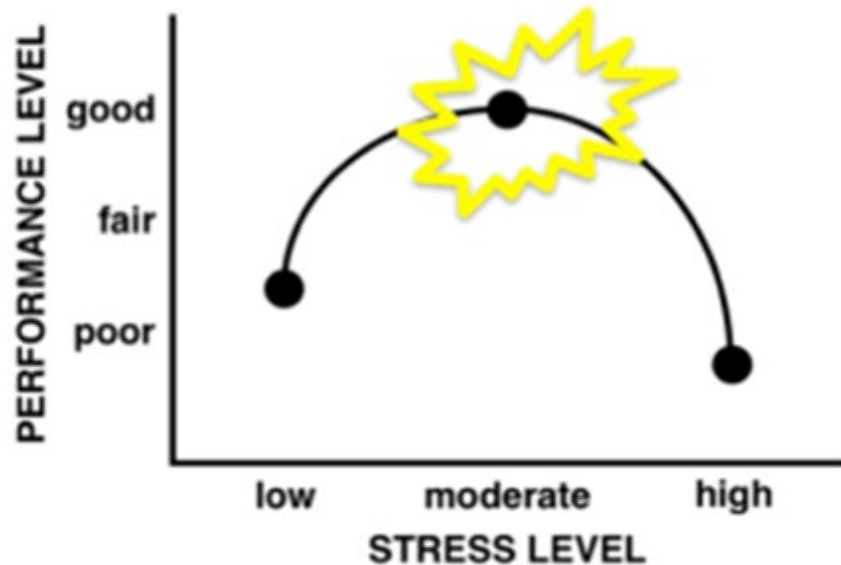
“Students get studying wrong because **they don’t assess whether a method works in the long run.** Instead, they pay attention to whether the method is **easy** to do and **feels** like it’s working while they’re doing it...Rereading is easy because the **mind can skitter along the surface** of the material without closely considering its meaning, but that’s exactly why it’s a poor way to learn. If you want to learn the meaning — as most tests require you to — then **you must think about meaning when you study.** Yet, insidiously, rereading feels effective. Rereading a textbook makes the content feel familiar. But **judging that content is familiar and knowing what it means — being able to describe it, being able to use that knowledge when you think — are supported by different processes in the brain.**”



CC BY 2.0 Thomas Haynie

- Knowledge dilemma – there’s too much, it’s changing rapidly, and some is of little use
- A
- Learning happens when the brain changes in response to stimuli (neuroplasticity) and is able to produce new neurons (neurogenesis). Moderate stress is good for learning. High or low stress impede it. Your brain needs adequate sleep, nutrition, and exercise for robust learning.

Classic inverted-U curve



Berkeley Graduate Division – Teaching and Resource Center – Neuroscience and How Students Learn -
<https://gsi.berkeley.edu/gsi-guide-contents/learning-theory-research/neuroscience/>

- Active learning happens when there is cross-talk between different parts of the brain including: creating, analyzing, evaluating, and applying in the cortex; memory in the hippocampus; and emotions in the amygdala.
- Moderate stress for one person is cortisol overload for another.

4/4/23, 2:44 PM

The mental health crisis in public defense threatens the whole criminal justice system.

SLATE



NOT AN AVID SLEEPER

STATE *of* MIND

The Relentless Mental Toll of Public Defense

And what could make it better.

BY BEATRICE FERGUSON

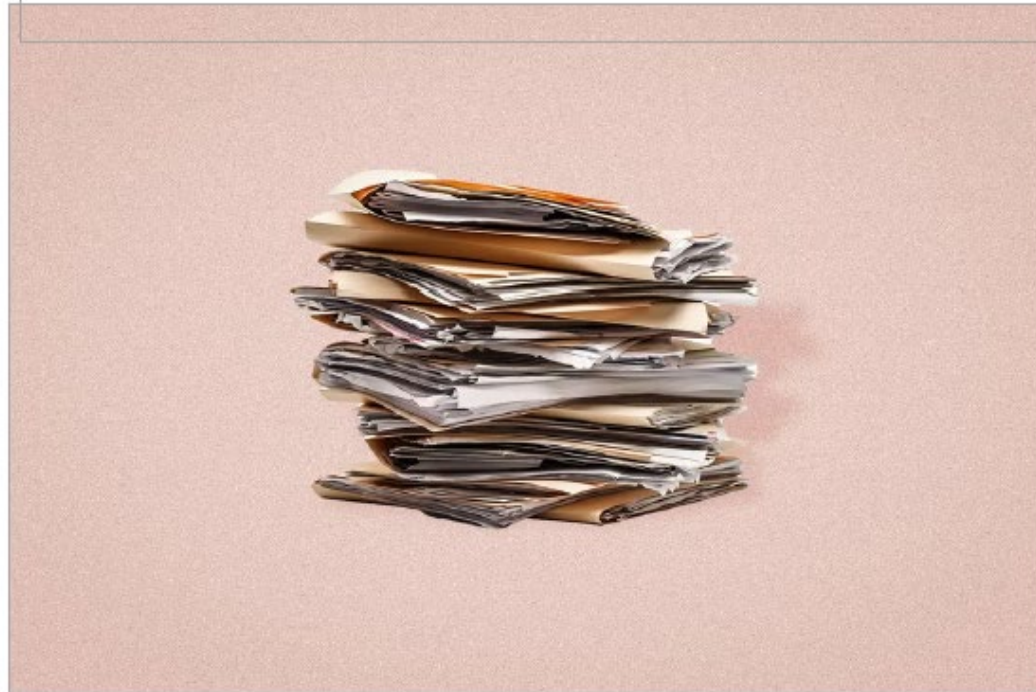


Photo illustration by Slate. Photo by Getty Images Plus.

Strategy #1 - Commonplacing

- Putting ideas in a “commonplace”
- Jefferson’s legal commonplace book
- Old School – use blank hardcover notebooks
- Modern improvements – note software that stores in the cloud, allows web clipping, keyword searching, and even mind-mapping
- Try Evernote, Microsoft OneNote, Roam, or Obsidian

1. The word "void" in statutes, is often construed to mean "voidable" only, especially when relating to judicial acts. 2. Salk. 672. pl. 12. S. C. 119. a. h. Andrews. 82.

2. A party cannot assign any thing for error which is for his own advantage. 3. H. B. 21. 8. Holt. 41. Salk. 672. pl. 12.

3. Where a witness is produced who is related to one of the parties, or interested in the cause, he may be admitted to give his evidence if the other party will consent to it; for every person may renounce his ^{right} or any law ^{prose} introduced. Andrews. 86.

4. A challenge to the array by the def^s because the sheriff was one of their body and might be prejudiced in their favor, and alleged that it was to prevent delay; because the ~~plaintiff~~ might, in a writ of error, assign this for error. The court were of opinion that if the matter which is the ground of the challenge can be assigned by the pl. for error, the challenge by the def^s is good, to prevent circuitry; but if whether it could or not they differed. However they granted a rule to quash the array tho' they ^{were} very doubtful. Andrews 85. 102. Cro. Jac. 581. 2. Raym. 1262. Salk. 152. Co. L. 158. a. Feb. 720. 19. H. B. 21. 6. Co. L. 157. a.

5. Objection to a by-law that cases might happen wherein a breach thereof would be unavoidable, and Lucas 339. cited. In fact in all laws such cases are implied, and necessity is a good excuse for the breach thereof. Andrews. 98.

6. The word "and," properly, a conjunctive is often construed "or." Andrews. 285. post 69. 1. H. B. 21. 11. Philips. 1. Leon. 72. Babbington. Co. Plowd. 286. Co. L. 382. Pain v. Mellory. 1. Ray. 501. Helliard v. Jennings.

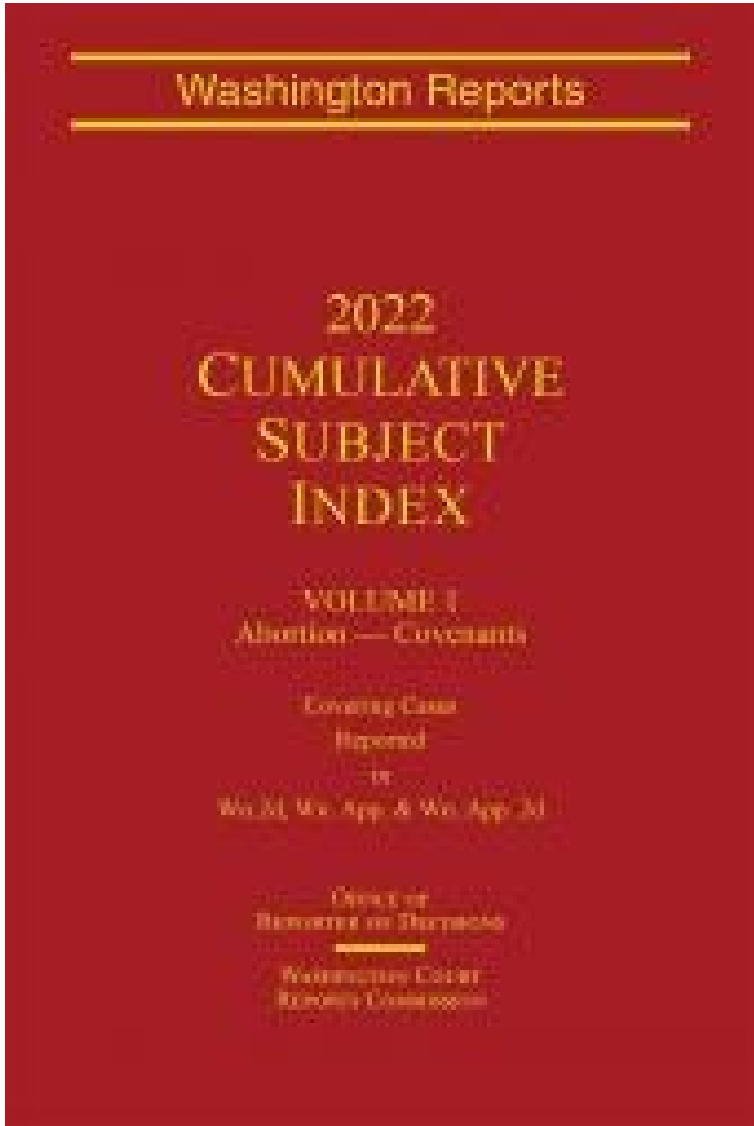
7. Error and judgment affirmed. Motion by def for error, argued for pl. that since the cause in Coll. the construction of the act of H. hath been, that where the pl. below is not entitled to cost or damages, he sh

Heidi Alexander – Using Evernote in Your Law Practice: Five Ways to Start



3. Creating a Legal Research Repository

“Many attorneys who use Evernote use the web clipper to save and organize their legal research. You can organize your research into topical notebooks, such as Employment Discrimination, Landlord-Tenant, Search and Seizure and so on. Then, when you save individual research files, such as case law, you can assign each one to the proper topical notebook and tag it with identifiers such as the matter(s) it references, its case proposition and disposition, fact pattern, and jurisdiction. The next time you need a SCOTUS case on sex discrimination, you can use Evernote search terms to retrieve it. No more wasting time searching through stacks of printed case law for that one case proposition you need, or reinventing the wheel by doing sophisticated searches in Westlaw or Lexis to locate something you’ve previously found.”





Strategy #2 – Subject Indexing - Lexis

- Lexis is the official publisher of *Washington Reports* (Wn.2d and now Wn.3d!!) and *Washington Appellate Reports* (Wn. App. and Wn. App. 2d)
- Lexis has Washington attorney-editors organize cases using a complete subject index matched with corresponding headnotes.
- Best of all – It's \$33.00.

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Headnotes in the Washington Reports and Washington Appellate Reports are classified under the following major subject headings:

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Accord and Satisfaction	Bonds	Courts of Limited Jurisdiction
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Accounting	 Bribery	Credit
Acknowledgment	Brokers	 Criminal Law
Action	Building Regulations	Criminal Mistreatment
Adjoining Landowners	Burglary	Criminal Solicitation
Administrative Law		Crops
Admiralty	Carriers	
Adoption	Cemeteries	Damages
Adverse Possession	Certiorari	Death
Agriculture	Charities	Declaratory Judgment
Alienation of Affections	Civil Procedure	

SELECTED CROSS-REFERENCES

Abandonment: See Property

Abuse of Process: See Process

→ Accomplice Liability: See Criminal Law—Parties to Offenses

Account Stated: See Credit

Admiralty: See Admiralty; Ferries; Waters

Admission to Practice of Law: See Attorney and Client

Affidavit of Prejudice: See Judges—Disqualification

Affirmative Action: See Civil Rights

Age Discrimination: See Civil Rights

Agencies (Governmental): See Administrative Law

Agency: See Principal and Agent

Airports: See Municipal Corporations; Port Districts

Alcohol: See Intoxicating Liquors

→ *Alford* Plea: See Criminal Law—Plea of Guilty—Factual Basis—Nonadmission of Guilt

Criminal Law—Cont'd

Diminished Capacity—Cont'd

Waiver of Rights—Cont'd

Self-Incrimination—(Subject of Action) SC: 111/872

(Subject of Action) CA: 83/350

What Constitutes CA: 18/568; 158/823; 150/663; 122/498; 103/706

Discovery

See also **Discovery**

Access to Prosecution Witness—Prosecutor's Presence

Harmless Error CA: 75/390

Validity CA: 75/390

Additional Information—Analysis of Evidence Previously Disclosed CA: 43/67

"Colorable Basis"—Test CA: 64/417

Computer Database

Hard Drive—Mirror Image Copy—Forensic Analysis SC: 169/47

Underlying Data—Discretion of Court SC: 125/24

Constitutional Rights—Right To Discover SC: 110/738

Court Rule

Applicability—Postconviction Proceedings CA: 17/697

Applicable Court Rules SC: 122/258; 115/457; 110/738

Construction

In General CA: 89/492; 65/728

Liberal Construction—Purposes CA: 157/50

Primary Purpose CA: 18/139

Purposes SC: 160/424; 130/313 CA: 18/139; 14/143; 194/234; 156/314; 115/91

Reciprocal Duties CA: 18/139; 156/314

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169 Wn.2d 47

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State v. Grenning

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Supreme Court of Washington

September 15, 2009, Argued; June 17, 2010, Filed

No. 81449-0

Reporter

169 Wn.2d 47 | 234 P.3d 169 | 2010 Wash. LEXIS 531

Summary

WASHINGTON OFFICIAL REPORTS SUMMARY

Nature of Action: Prosecution for 17 counts of first degree rape of a child, 2 counts of attempted first degree rape of a child, 6 counts of first degree child molestation, 26 counts of sexual exploitation of a minor, 1 count of second degree assault of a child, and 20 counts of possession of depictions of minors engaged in sexually explicit conduct with sexual motivation.

Superior Court: The Superior Court for Pierce County, No. 02-1-01106-5, James R. Orlando, J., on October 22, 2004, entered a judgment on a verdict finding the defendant guilty of 16 counts of first degree rape of a child, 26 counts of sexual exploitation of a minor, 6 counts of first degree child molestation, 1 count of second degree assault of a child, 20 counts of possession of depictions of minors engaged in sexually explicit conduct with sexual motivation, and 2 counts of attempted first degree rape of a child.

Court of Appeals: The court *affirmed in part and reversed in part* the judgment and *remanded* the case for further proceedings at 142 Wn. App. 518 (2008), holding that the trial court erroneously restricted the defendant's access to computer hard drive evidence in relation to the child pornography possession charges but that other error claimed by the defendant was either unsupported by the record or did not prejudice the defendant.

Supreme Court: Holding that the defendant is entitled to mirror image copies of the hard drives of the computers seized by law enforcement officers for forensic analysis by the defendant's own experts at an appropriately secured laboratory, that the trial court's erroneous rulings on the defendant's requests for copies of the computer hard drives were not harmless, and that the defendant is entitled to a new trial on the 20 counts of possession of depictions of minors engaged in sexually explicit conduct with sexual motivation, the court *affirms* the decision of the Court of Appeals and *remands* the case to the trial court for further proceedings.

- Top of Document
- Case Summary
- Headnotes
- Counsel
- Judges
- Opinion
- Dissent



[WA\[2\]](#) [2] Criminal Law > Discovery > Computer Database > Hard Drive > Mirror Image Copy > Forensic Analysis.

When the evidence against a criminal defendant consists of digitized data or images stored on the hard drives of a computer belonging to the defendant that was seized by the State, the defendant is entitled under [CrR 4.7\(a\)](#) to be provided with mirror image copies of the hard drives that may be taken away for forensic analysis by the defendant's experts, subject to an appropriate protective order.



Subject Indexing

– Westlaw

Topics & Key
Numbers

- Bob Berring

“The Universe of
Thinkable
Thoughts”

Enter terms, citations, databases, questions, anything ... All State & Federal Search Tips > Advanced >

Content types Federal materials State materials Practice areas My content Tools

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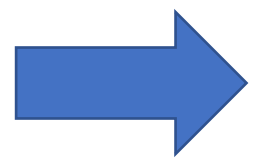
All Federal Cases
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Federal Cases by Court

- U.S. Supreme Court
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- Federal Bankruptcy Courts
- U.S. Tax Court
- U.S. Court of Federal Claims
- U.S. Court of International Trade
- U.S. Court of Appeals for Veterans Claims
- Military Courts
- Judicial Panel on Multidistrict Litigation (JPML)

Federal Cases by Circuit

1st Circuit 6th Circuit 10th Circuit



Tools & Resources

- American Federal Tax Reporter
- Black's Law Dictionary
- Dockets
- Find & Print
- UCC Cases
- West Key Number System
- West Key Number System Updates
- Words & Phrases

Hon. Ketanji Brown Jackson
Supreme Court Nomination Legal
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- 142 EJECTMENT
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- 185 FRAUDS, STATUTE OF
- 186 FRAUDULENT CONVEYANCES
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- 188 GAMING AND LOTTERIES
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- 193 GRAND JURY
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- 196 GUARDIAN AND WARD
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- 332 RELIGIOUS SOCIETIES
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- 335 REPLEVIN
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- 336H RES JUDICATA
- 337 RESCUE



37 ASSAULT AND BATTERY

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 - (C) EXERCISE OF AUTHORITY OR DUTY, k191-k210
 - (D) OFFENSES AGAINST PUBLIC OFFICERS AND EMPLOYEES, k211-k230
 - (E) OFFENSES INVOLVING PARTICULAR RELATIONSHIPS, k231-k260
 - (F) OFFENSES INVOLVING MEDICAL TREATMENT OR HEALTH CARE, k261-k280
 - (G) PARTIES TO OFFENSES, k281-k290
- III. CRIMINAL PROSECUTIONS, k291-k610
- IV. CIVIL LIABILITY, k611-k750

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II. CRIMINAL OFFENSES, k111-k290

(A) IN GENERAL, k111-k170

(B) DEFENSES AND MITIGATING CIRCUMSTANCES IN GENERAL, k171-k190

(C) EXERCISE OF AUTHORITY OR DUTY, k191-k210

(D) OFFENSES AGAINST PUBLIC OFFICERS AND EMPLOYEES, k211-k230

211 In general

212 Police and law enforcement personnel in general

213 Firefighters and emergency personnel in general

214 Injury or harm

215 Intent or knowledge

217.5 Inchoate offenses; attempt

218 Defenses and mitigating circumstances

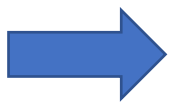
222 Offenses against corrections personnel

226 Offenses against probation and parole officers

(E) OFFENSES INVOLVING PARTICULAR RELATIONSHIPS, k231-k260

(F) OFFENSES INVOLVING MEDICAL TREATMENT OR HEALTH CARE, k261-k280

(G) PARTIES TO OFFENSES, k281-k290



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[Back to k212 Police and law enforcement personnel in general](#)

212 Police and law enforcement personnel in general (17)

Jurisdiction: Washington [Change](#)

1 - 17 Sort: Topic then Date

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 - 37II(D) Offenses Against Public Officers and Employees 79
 - 37 **212 Police and law enforcement personnel in general 17**

1. **State v. Garcia**
 Court of Appeals of Washington, Division 3. • September 23, 2008 • 146 Wash.App. 821

Headnote: State was not required to prove that store investigator was acting in his official capacity when he attempted to stop defendant, during third-degree assault prosecution of defendant for pushing investigator; state was required to prove official capacity element only in case where assault victim was police officer, not store investigator. [West's RCWA 9A.36.031\(1\)\(a, g\)](#).

Document Preview: CRIMINAL JUSTICE - Assault and Battery. Defendant's pushing of store investigator could not be third degree assault with intent to resist lawful detention.

2. **State v. Mierz**
 Supreme Court of Washington, En Banc. • August 24, 1995 • 127 Wash.2d 460

Headnote: Statute criminalizing assault on law enforcement officer while performing his or her official duties was not limited to performance of duties other than arrest, even though under another provision of statute person was guilty of assault in third degree if he or she resisted apprehension or

State v. Garcia

Court of Appeals of Washington, Division 3. • September 23, 2008 • 146 Wash.App. 821 • 193 P.3d 181 (Approx. 15 pages)

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1 of 17 results

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12 Assault and Battery 37k119 Lesser degrees; simple offenses and misdemeanors

Immunity statute for civil actions against mercantile establishments did not apply to assault prosecution of defendant who pushed store investigator after investigator attempted to stop defendant, and thus statute did not require state to prove that defendant was detained in the vicinity of store where he had been observed shoplifting. West's RCWA 4.24.220.

13 Assault and Battery 37k212 Police and law enforcement personnel in general

State was not required to prove that store investigator was acting in his official capacity when he attempted to stop defendant, during third-degree assault prosecution of defendant for pushing investigator; state was required to prove official capacity element only in case where assault victim was police officer, not store investigator. West's RCWA 9A.36.031(1)(a, g).

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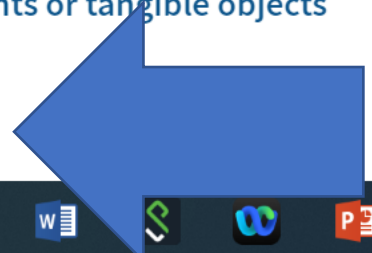
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- CRIMINAL LAW
 - 110-627.6(3) > Information or things, disclosure of > Particular documents or tangible objects
- OBSCENITY
 - 281-210(12) > Depiction of minors; child pornography > Possession



Keyword Searching v. Subject Indexes

Results May Vary

Which database a researcher uses
makes a difference

BY SUSAN NEVELOW MART

Susan Nevelow Mart –

“At first glance, the various legal research databases seem similar. For instance, they all promote their natural language searching, so **when the keywords go into the search box, researchers expect relevant results. The lawyer would also expect the results to be somewhat similar no matter which legal database a lawyer uses.** After all, the algorithms are all trying to solve the same problem: translating a specific query into relevant results.”

“The **reality is much different**. In a comparison of six legal databases—Casetext, Fastcase, Google Scholar, Lexis Advance, Ravel and Westlaw when researchers entered the identical search in the same jurisdictional database of reported cases, there was **hardly any overlap in the top 10 cases returned in the results**. Only 7 percent of the cases were in all six databases, and 40 percent of the cases each database returned in the results set were unique to that database. It turns out that when you give six groups of humans the same problem to solve, the results are a testament to the variability of human problem-solving. **If your starting point for research is a keyword search, the divergent results in each of these six databases will frame the rest of your research in a very different way.**”

Advanced Search

Use at least one field to create a Boolean Terms & Connectors query.

Find documents that have

All of these terms

e.g., construction defect (searched as construction & defect)

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e.g., physician surgeon (searched as physician OR surgeon)

[Term frequency](#)

This exact phrase

e.g., medical malpractice (searched as "medical malpractice")

[Term frequency](#)

Connectors and Expanders

- & AND
- /s In same sentence
- or OR
- +s Preceding within sentence
- /p In same paragraph
- "" Phrase
- +p Preceding within paragraph
- % But not
- SPACE OR
- /n Within n terms of
- ! Root expander
- +n Preceding within n terms of
- * Universal character
- # Prefix to turn off plurals and equivalents

Enter a source name, a citation, terms or shep: [citation] to Shepardize®

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Cases

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Court

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45CaR2d912	892P2d ²⁰ 162	929P2d682	State v Russell	Colorado v
46CaR2d362	895P2d103	930P2d553	1993	LaFrankie
46CaR2d539	f 896P2d239	934P2d793	(175Az529)	1992
d 48CaR2d146	899P2d115	Mass	938P2d84	US cert den
f 48CaR2d146	f 900P2d ⁶ 732	730NE852	970P2d ¹¹ 953	511US1077
48CaR2d729	912P2d ² 540	Pa	970P2d ¹² 953	US cert den
# 49CaR2d121	912P2d1255	f 681A2d1258	18P3d ¹¹ 1257	128LE379
f 49CaR2d121	929P2d ⁸ 1282	Tenn	18P3d ¹² 1257	US cert den
#f 49CaR2d121	931P2d ¹⁹ 399	950SW24	23P3d ¹¹ 101	114SC1663
# 50CaR2d759	936P2d ² 531	—649—	—680—	859P2d ³ 893
51CaR2d430	f 936P2d ⁶ 532	State v Bradley	State v Alex-	863P2d ⁶ 985
j 51CaR2d437	938P2d1095	1993	ander	875P2d ² 885
# 52CaR2d597	f 961P2d407	(175Az504)	1993	875P2d ³ 885
55CaR2d96	961P2d ⁵ 408	924P2d1031	(175Az535)	875P2d ⁵ 885
58CaR2d264	968P2d ⁶ 89	—652—	868P2d ¹ 1028	884P2d717
# 62CaR2d578	973P2d ⁵ 1127	Elias v Indus-	f 898P2d509	891P2d ⁶ 1015
65CaR2d ² 342	973P2d ¹ 1128	trial Comm'n	905P2d506	j 891P2d1018
67CaR2d443	973P2d ⁴ 1128	1992	923P2d858	895P2d ³ 534
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- New Tactical Uses
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State v. Vazquez

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June 11, 2020, Filed

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THE STATE OF WASHINGTON, Respondent, v. JESSICA L. VAZQUEZ, Appellant.

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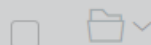
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THE STATE OF WASHINGTON, Respondent, v. JESSICA L. VAZQUEZ, Petitioner.

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- Opinion

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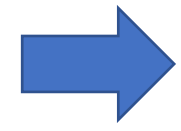
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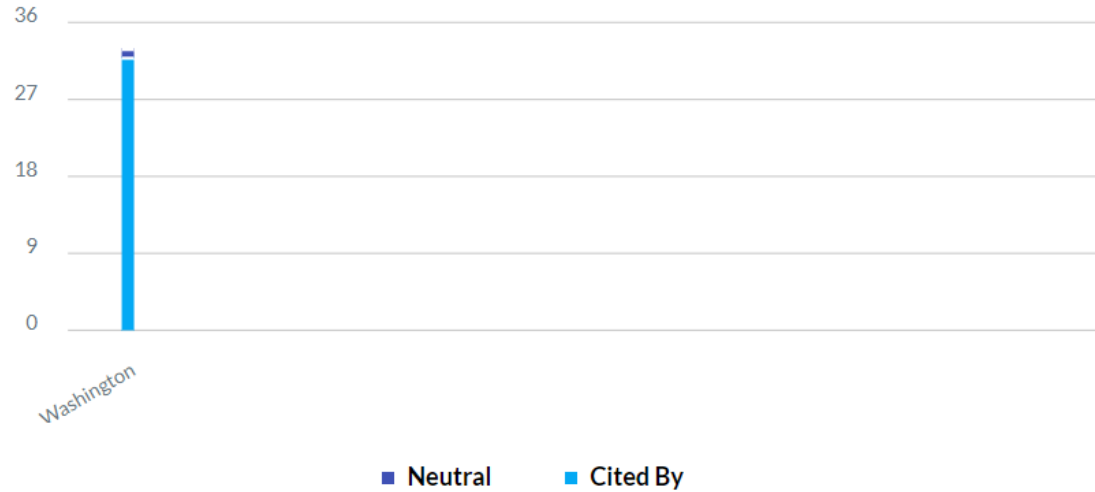
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must show both that defense counsel's performance ...

4 **State v. Ferguson** 524 P.3d 1080 | [Show more](#)

Wash. Ct. App. | February 28, 2023

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524 P.3d 1080 p.1087

... cert. denied , 574 U.S. 860 (2014) . Generally, to show that trial counsel was deficient, “the defendant must show in the record the absence of legitimate strategic or tactical reasons supporting the challenged conduct by counsel.”

State v. Vazquez, 198 Wn.2d 239, 248, 494 P.3d 424(2021) (quoting State v. McFarland , 127 Wn.2d 322 , 336 , 899 P.2d 1251 (1995)). We engage in a strong presumption that counsel's performance was reasonable. Grier , 171 Wn.2d at 33 . To show prejudice, ...

▲ State v. Zamora, 199 Wn.2d 698
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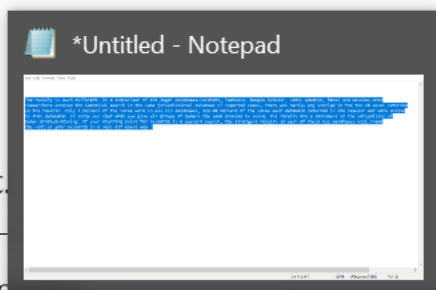
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 Supreme Court of the United States • June 24, 1991 • 501 U.S. 722 • 111 S.Ct. 2546
 Depth of discussion



Superseded by Statute as Stated in **Odie v. United States** D.S.D. June 25, 2020

...a controlled substance), "actual innocence" is inapplicable to his claim. He is claiming legal insufficiency of the enhancement. Analyzing Mr. Odie's claim, then, under the rubric of cause-and-prejudice, the court first addresses cause. "Cause" must be something external to the petitioner, something that cannot be attributed to him. **Coleman v. Thompson, 501 U.S. 722, 753, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991)** superseded by statute other grounds 28 U.S.C. § 2254(b)(2) Ineffective assistance of trial counsel can under some circumstances establish "cause." *Davila v. Davis*, --- U.S. ---, 137 S. Ct. 2058, 2065, 198 L.Ed.2d 603 (2017...

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2. **Montoya v. Scott**
 United States Court of Appeals, Fifth Circuit. • September 12, 1995 • 65 F.3d 405 • 1995 WL 542013
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United States Court of Appeals, Fifth Circuit. • September 12, 1995 • 65 F.3d 405 • 1995 WL 542013

Depth of discussion

10+ years

Declined to Follow by U.S. v. Sonogo U.S. Armed Forces April 1, 2005

...that a specific, nonspeculative impropriety has occurred which could have prejudiced the trial of a defendant."United States v. Moon, 718 F.2d 1210, 1234 (2d Cir.1983) (citation omitted). The Fifth Circuit requires that the movant establish a prima facie case under McDonough before an evidentiary hearing is required. **Montoya v. Scott, 65 F.3d 405, 420 (5th Cir.1995)** The standard urged by the Government—a prima facie showing—would swallow the first prong of the McDonough test. It is unreasonable to expect an appellant to produce prima facie proof of juror dishonesty without the benefit of an evidentiary...

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3. State v. Riofta

Supreme Court of Washington, En Banc. • June 11, 2009 • 166 Wash.2d 358 • 209 P.3d 467

Depth of discussion

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... has been imposed. *Coleman v. Thompson*, 501 U.S. 722, 752, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991). From a due process standpoint, prisoners seeking postconviction relief are not entitled to discovery as a matter of ordinary course [...] As the Ninth Circuit recently held,

“there is simply no federal right, constitutional or otherwise, to discovery in habeas proceedings as a general matter.”

Campbell v. Blodgett, 982 F.2d 1356, 1358 (9th Cir.1993) (upholding the denial of Campbell’s request for discovery regarding Dodd’s execution); see *Spencer v. Hopper*, 243 Ga. 532, 255 S.E.2d 1 (1979)

Campbell v. Blodgett United States Court of Appeals, Ninth Circuit. • January 04, 1993 • 982 F.2d 1356

...permitted to interfere with a federal constitutional right. This is incorrect in at least two respects. First, it is the act of recording the execution and the fact of the recording's existence, and not mere attendance by an additional witness, that is at issue. Second, and more importantly,

“there simply is no federal right, constitutional or otherwise, to discovery in habeas proceedings as a general matter.”

See *Harris v. Nelson*, 394 U.S. 286, 296, 89 S.Ct. 1082, 1089, 22 L.Ed.2d 281 (1969) (adoption of federal rules of civil procedure was not intended to make discovery pr

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A. The Court has discretion to review the Commissioner's appealability decision. ↑

Cases (1) [See additional cases \(1\)](#)

1. State v. Gentry
 Supreme Court of Washington, En Banc. • August 20, 2015 • 183 Wash.2d 749 • 356 P.3d 714

Case details
 Movant at trial level: Plaintiff Appellate level outcome: Upheld trial court's decision
Highest level outcome: Upheld appellate court's decision

Outcome: Judge acted within her discretion in granting state's motion to deny further DNA testing.

Insofar as postconviction trial court applied wrong legal standard in granting state's motion to end further deoxyribonucleic acid (DNA) testing, concluding that capital murder defendant had failed to show a "reasonable probability of his innocence in light of the inculpatory DNA test results" that had recently been returned, it at

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¶3 This study evaluates how accurately Shepard's, KeyCite, and BCite identify negative treatment of case law. The results will likely disappoint anyone who relies on these citators. I found highly inconsistent results and egregious mistakes. In this study, BCite's statistical performance is the lowest by a wide margin, but the citators' relative performance is less clear when specific citations are examined qualitatively. The results for all three citators are troubling. I begin this article with a

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Paul Hellyer
College of William & Mary, phellyer@wm.edu



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... has also revealed that such false **memories** can even be **implanted** for negative events and ... events that have been **implanted** share certain similarities with sexual **abuse** such as that the ...
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G Kim - Fordham L. Rev., 2022 - HeinOnline
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... in **child abuse**-argue that parents who seek medical care that a doctor deems unnecessary have committed **abuse**, and doctors should "diagnose" this **abuse** and report it to **child** ...
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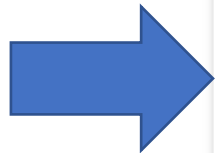
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JEB Myers, J Mercer - Barry L. Child & Fam. LJ, 2022 - HeinOnline
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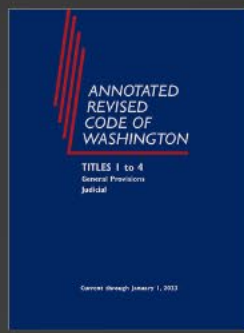
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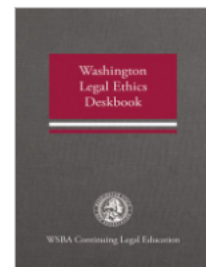
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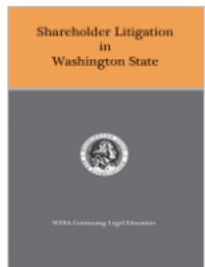
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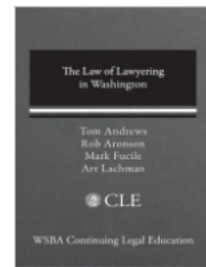
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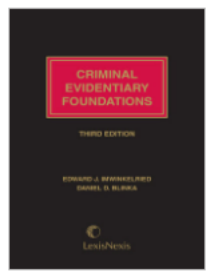
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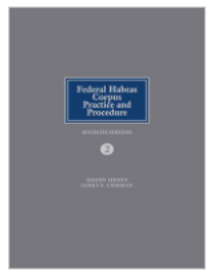
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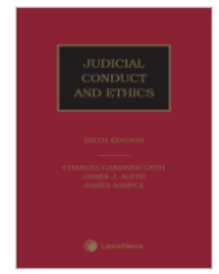
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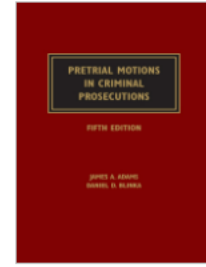
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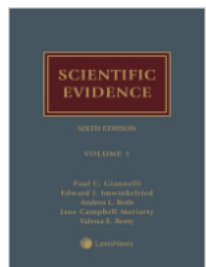
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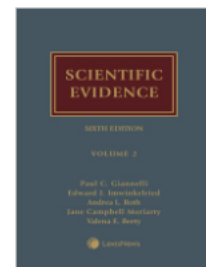
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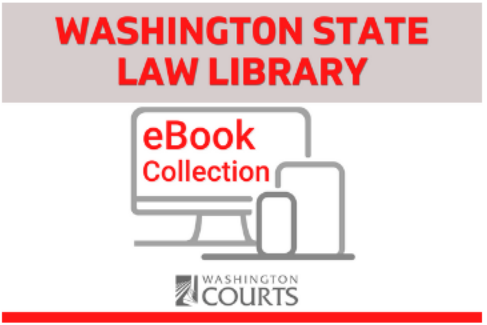
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and discretion, the prosecutor has a “heightened duty of candor to the courts and in fulfilling other professional obligations.” ABA Standard for Criminal Justice, Prosecution Function, § 3-1.4(a) (4th ed. 2015).

« Ch. 1 », « Pt. V », « § 1.13 »

1 Wa Criminal Practice in Courts of Limited Juris § 1.13 (2022)

§ 1.13. A Prosecutor Should Not Discourage or Obstruct Communication between Prospective Witnesses and Defense Counsel

Generally, a witness belongs neither to the government nor the defense. Both sides have the right to interview witnesses before trial. It is improper for the prosecutor to discourage or obstruct communications between prospective witnesses and defense counsel. CrR 4.7(h); RPC 3.4. See State v. Hofstetter, 75 Wn. App. 390, 398, 878 P.2d 474, review denied, 125 Wn.2d 1012 (1994). A prosecutor must exercise caution and “maintain a posture of strict neutrality when advising witnesses of their duties and rights.” U.S. v. Rich, 580 F.2d 929, 934 (9th Cir. 1978). For example, a prosecutor may properly advise a witness that the prosecutor will be present if the witness so requests; however, it is misconduct for a prosecutor to discourage a witness from talking with the defense or advising a witness not to speak with defense counsel unless the prosecutor is present. State v. Hofstetter, 75 Wn. App. 390, 878 P.2d 474, review

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