

RESEARCH GUIDE SERIES 3 – GENERAL LEGAL RESOURCES



Guide #3B - FINDING A CASE: DIGESTS

Digests are an excellent place to start research on a legal issue. A digest is arranged by subject and provides the researcher with a summary of each point of law discussed in the cases covered under that topic. You can also use a digest to find the citation for a known case.

Finding cases on a particular legal issue:

To find cases on a particular legal issue, you must locate the place in the digest which the publisher has assigned to them. West's Digests will be used as an example. Consult a Reference Librarian if you need help in using a digest from a different publisher.

The West Publishing Group, which publishes most digests, calls their classification scheme a "key number" system. You must understand this system to use a West's digest. In West's key number system, the law is divided into about 450 alphabetically arranged topics. Each topic is subdivided into specific points of law. A key number, consisting of the name of the topic and a number, is assigned to each specific point of law. It is identified by a key-shaped symbol. For example, in (key) Bankruptcy 281, the topic is Bankruptcy and the specific point of law, designated by the number 281, is Bankruptcy of Partners.

All cases on the specific point of law are summarized under the key number. Case citations are included so that you can retrieve the full decisions. Recent cases are summarized under the same key number in the volume pocket part.

Step 1: Find a key number. Use the "Descriptive Word Index" volumes located with each West digest. If you have already found a relevant case in a West reporter, you can use the key numbers assigned to that case's headnotes. In addition, key numbers (or reference numbers for those digests issued by other publishers) are often listed as research aids in annotated state or federal codes, legal encyclopedias, and treatises.

Step 2: Find the key number in the main volumes of the digest. Topics are arranged alphabetically. Numbers are arranged numerically within each topic. Once you find the key number, read the headnotes assigned to that key number, and use the case citations to retrieve the full decisions.

Note: Instead of looking in the printed version of the digest, you can search for the key number on WESTLAW. You will retrieve the same cases. However, you must convert digest topics to numerical designations. The letter k replaces the West key symbol. For example, to retrieve cases classified under key number Bankruptcy 2154, enter 51k2154 (51 is the topic number for Bankruptcy and we are using key number 2154 within that topic). A list of digest topics and their numerical

equivalents is available on Westlaw, and can be accessed by going to the "More" drop down menu on the right and clicking on "Key Numbers and Digest."

EXAMPLE:

Find California cases addressing the issue of whether or not public officers may receive rewards.

First, look up the term "rewards" in the "Descriptive-Word Index" volume of *West's California Digest 2d*. You will see the subheading "Persons who may receive reward" and references to key numbers "Rewards 9-11". Second, go to the main volumes and find the topic "Rewards". You will see that key number "Rewards 11" contains case headnotes (and citations) on the specific point of law "Persons who may receive rewards - Public officers". Recent cases can be found by looking under the same key number in the volume pocket part. Older cases (before 1950) can be found by looking under the same key number in *West's California Digest*. If you are using WESTLAW, convert the topic to its numerical designation (340) and enter the search query *340k11*.

Finding a case citation:

Step 1: Use the "Table of Cases" volume located with each digest, which is an alphabetical list of case names with their citations. If you know only the name of the defendant, many digests have a "Defendant-Plaintiff Table" volume listing cases in alphabetical order by the name of the defendant.

Step 2: If you do not find the case, check other components of the "Table of Cases" volume (e.g. pocket parts, supplemental updating pamphlets) also check other appropriate digests.

Note: Alternatively, you can search LEXIS using the format *name(smith and jones)*, or you may use the "Get a Document" by party name feature. You can search WESTLAW using the format *ti(smith & jones)*, or by using the "Find a Case by Party Name" option.

EXAMPLE:

What is the citation for Marbury v. Madison?

If you know that this is a U.S. Supreme Court case, then use the "Table of Cases" volume for either *West's United States Supreme Court Digest* or the *Digest of the United States Supreme Court Reports, Lawyers Edition*. If you know only that this is a federal case, then look in the "Table of Cases" volume for *West's Federal Practice Digest*. Since this digest is in five series and arranged chronologically, you must either know the year of the case or search all four parts. Once you find the case name, you will see that the citation is 5 U.S. (1 Cranch) 137, 2 L.Ed 60 (1803).

Locating digests:

Choose the digest that covers the jurisdiction, court, subject, or geographic area you are interested in. Digests available in the Golden Gate University Law Library:

U.S. Supreme Court

1. *West's U.S. Supreme Court Digest* (KF 101.1 U55) indexes U.S. Supreme Court decisions.

Federal

1. *West's Federal Practice Digest 4th* (KF 127.W484) indexes decisions of the federal courts. It is supplemented by biannual pocket parts and periodic supplemental pamphlets. It continues *Federal Practice Digest 3d*, *Federal Practice Digest 2d*, *Modern Federal Practice Digest*, and *Federal Digest*. (NOTE: subscription to this digest in hard copy was cancelled in 2009.)

California

1. *West's California Digest 2d* (PLAZA) indexes California appellate decisions. It continues *West's California Digest* (cases up to 1950).

Other States

1. *West's Atlantic Digest 2d*, *North Western Digest 2d*, *Pacific Digest 3d*, *South Eastern Digest 2d*, and *Southern Digest* (located near the corresponding reporters) index appellate decisions for states in the designated geographic areas. *West's North Eastern Digest* was discontinued in 1971. There has never been a digest for the cases contained in the *South Western Reporter*. Coverage of the ten states (Illinois, Indiana, Massachusetts, New York, Ohio, Texas, Arkansas, Missouri, Kentucky, and Tennessee) in these reporters is through the individual state digests, or the Decennial Digest (KF 141).

2. Individual state digests (located downstairs) index appellate decisions for Arkansas, District of Columbia, Illinois, Indiana, Kentucky, Massachusetts, Missouri, Nevada, New York, Ohio, Tennessee, Texas, and Wisconsin. (NOTE: Most of these digests are no longer kept up to date in hard copy.)

General

1. *West's Decennial Digests* (KF 141) index federal and state decisions published in all West reporters for a particular five or ten year time period. They are not supplemented by pocket parts. Instead, use *West's General Digest* (KF 141).

2. *West's Century Digest* (KF 141) indexes decisions from all reporters for the years between 1658 and 1896.

For Further Information Consult a Librarian

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