

# THURGOOD MARSHALL SCHOOL OF LAW LIBRARY

## *Pathfinder Series*

DeCarlous Spearman, Law Library Director

Revised May 2015

## West Digest System

### I. What is a Digest?

A digest is a **case finding tool**. Digests consist of topical arrangements of very brief summaries of the points of law found in a case. The digest arranges these summaries, called **Headnotes**, topically so that once you find a case on point you can easily find other cases. The Headnotes include citations to other cases.

The logical approach of the West Digest System helps you to understand legal issues in context. A digest allows you to redefine your research goals and theories to find the best cases, statutes and other relevant information for your research problem. Your research is not complete if you haven't considered using digests.

Digests do **not** interpret cases. That is your job. Therefore, in order to ensure a complete understanding of the case you must **read** the entire case.

### II. How Do I Find The Correct Digest Topics And Key Numbers?

There are many ways to find topics and key numbers to lead you to cases on point. One way, is to use finding aids within the digest itself, such as the *Descriptive Word Index*. Some methods rely more on the researcher's previous knowledge.

<b>If you know:</b>	<b>Use:</b>	<b>Note:</b>
A case that's on point	Headnotes from the case to identify appropriate topics and key numbers	
A little about the topic	Secondary sources to find relevant cases and useful background information	e.g. State Digests, Legal Encyclopedias
Some specific terms	Descriptive Word Index	
Words needing judicial definition	<i>Words and Phrases</i> to find cases defining the words	

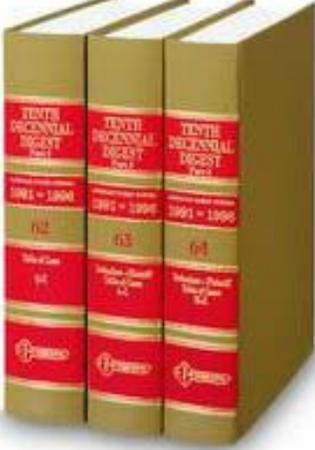
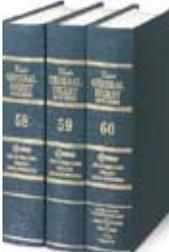
Using a combination of methods usually yields the best results. Once you find topics and key numbers that seem on point, consult the topical analysis outline in the digest volumes to see if there are other key numbers under that topic that may also be relevant to your research problem.

### III. How Do I Choose The Correct Digest?

Select the digest that contains the court(s) or type(s) of material you need. Be specific.

**A. When you aren't sure of the jurisdiction use the clueless set**

The American Digest System (covers *all* jurisdictions and *all* time frames) includes 3 sets – *Century Digest*, *Decennial Digest*, & *General Digest*. The system is *cumulative and comprehensive*.

Century Edition of the American Digest, or Century Digest	1658 – 1896		
1st Decennial Digest 2nd Decennial Digest 3rd Decennial Digest 4th Decennial Digest 5th Decennial Digest 6th Decennial Digest 7th Decennial Digest 8th Decennial Digest 9th Decennial Digest, Part 1 9th Decennial Digest, Part 2 10th Decennial Digest, Part 1 10th Decennial Digest, Part 2 11th Decennial Digest, Part 1 11th Decennial Digest, Part 2 11th Decennial Digest, Part 3 12th Decennial Digest, Part 1 12th Decennial Digest, Part 2	1897 – 1906 1907 – 1916 1916 – 1926 1926 – 1936 1936 – 1946 1946 – 1956 1956 – 1966 1966 – 1976 1976 – 1981 1981 – 1986 1986 – 1991 1991 – 1996 1997 – 2001 2001–2004 2004–2007 2008 – 2010 2010- Present	Originally published every ten, now published every five years.	
West's General Digest, 11 <sup>th</sup> edition West's General Digest, 12 <sup>th</sup> edition West's General Digest, 13 <sup>th</sup> edition West's General Digest, 13 <sup>th</sup> edition	2004–2008 2008– 2010 2010 – 2013 2013 - Present	Updates the Decennial Digest. Published every month.	

When you know you want a federal case, go to a specific set of digests.

**B. For Federal Supreme Court cases use:**

U.S. Supreme Court Digest, Lawyers' Edition 2d (Lexis)	Or	West's United States Supreme Court Digest
--	----	---

**C. For Federal cases from all three levels use the following federal digest:**

West's Federal Digest (red)	1754 – 193-8	1939 –	To locate all federal cases use all the editions of the federal digest
Modern Federal Practice Digest (green)	1960		
West's Federal Practice Digest 2d (blue)	1961 – 1975		
West's Federal Practice Digest 3d (red)	1975 – 1989		
West's Federal Practice Digest 4th (blue)	1984 – to 2014	2015 -	
West's Federal Practice Digest 5th (red)	Present		

**D. If you need a state case use a digest below:**

Individual State Digests are available for all states except Delaware, Nevada, and Utah. Consult the Regional Digests for these states.

<b>Use:</b>	<b>Coverage</b>	
<b><i>Regional Digests:</i></b>		<b><i>States in the Regional Digest</i></b>
West's Atlantic Digest, 2d	1930 – date	CT, DC, DE, ME, MD, NH, NJ, PA, RI, VT
West's North Western Digest, 2d	1932 – date	IA, MI, MN, NE, ND, SD, WI
West's Pacific Digest	1941 – 1962	AK, AZ, CA, CO, HI, ID, KS,
West's Pacific Digest, 2d	1962 – 1978	MT, NV, NM, OK, OR, UT,
West's Pacific Digest, 2d	1978 – date	WA, WY
West's South Eastern Digest, 2d	1934 – date	GA, NC, SC, VA, WV

**IV. How to Use the Digests:**

- Choose the correct digest, one that contains cases from the courts you are looking to for precedent.
- Use the index volumes at the end of every digest set to identify appropriate topics and key numbers that address the points to be researched.
- Check all appropriate digest volumes, pocket parts, and pamphlets to be sure that your research is thorough and up to date.
- Use specialty features of digests such as the **Table of Cases** or the **Defendant-Plaintiff Table** when appropriate.
- Key numbers may change. Consult the **Conversion Table** following the **Table of Contents** in the individual volume of the digest.

**V. How Do I Find Cases That Interpret Statutes?**

The easiest way to find cases that interpret statutes is to use an annotated code. A code is a topical arrangement of all the permanent general laws in force in a particular jurisdiction. Annotated codes add headnotes from cases that interpret individual code provisions. These appear after every code section.

**VI. How Do I Find A Case When All I Know Is The Case Name?**

If you know the case name, use the **Table of Cases** in the appropriate digest. If you know only the defendant's name, use the appropriate **Defendant-Plaintiff Table** (not available in the

regional digests except in the *Pacific Digest*). If you know a case's popular name, use *Shepard's Acts and Cases by Popular Name*.

## **VII. Where Can I Get Information On Pending Cases?**

Most of the cases found in law libraries are not pending cases but judicial opinions, primarily from appellate courts. However, there are limited instances in which law libraries contain information on pending litigation.

Cases pending in the U.S. Supreme Court may be tracked using *U.S. Law Week*. Decisions from interlocutory appeals may be reported before the litigation is completed.

For information on trials in progress the best source is usually general newspapers such as the *New York Times*, or legal newspapers such as the *National Law Journal* or *Texas Lawyers Weekly*.

## **VIII. How Can I Be Sure My Research Is Thorough And Up To Date?**

1. Check the years of coverage of the bound digest volumes. Earlier digest series are supplemented by later digest series, pocket parts and pamphlets, so be sure to check for updates that supplement current digests.
2. When you are using a current series of a digest be sure to check your topic(s) and key number(s) in the pocket part as well as the bound volume. If there is no pocket part, look instead for a freestanding pamphlet that updates that particular volume.
3. Look for supplementary pamphlets at the end of the digest set that update the annual pocket parts for the entire digest set. If you find some, check the appropriate topic(s) and key number(s).
4. Check the "Closing with Cases Reported in" section at the front of the most recent pocket part or pamphlet used so far. Find the West case reporter that is likely to have cases on your digest topic.
5. Go to the case reporter that you identified in step 4. Look in the digest sections in the back of all bound volumes and the front of all advance sheets beginning with the volume number listed in the "Closing with Cases Reported in" section of the digest to see if any recent cases have appeared under your topic(s) and key number(s).
  - a. For example, the Closing Table shows that cases reported up to 689 N.E.2d 1039 are included in the most recent digest supplement. To find more recent cases, go to *North Eastern Reporter 2d* and check the digest sections of all bound volumes and advance sheets beginning with volume 689.
6. Shepardize or use other citators to verify that cases you rely upon have not been overruled.

## **IX. Citing**

Remember a digest is a finding tool. . . it should not be cited.