

Finding Cases with Print Digests

September 2006

A) What are Digests and How Can They Help You?

Cases are published in chronological order in case reporters. Digests group cases by topic and provide short summaries on what the cited cases say about the given subject. Digest sets cover cases from a specific jurisdiction or general subject area.

Topical digests, such as the Bankruptcy and Real Estate digests, cover all jurisdictions but only list cases dealing with a specific subject area. To find out if the Library has a topical digest covering the subject area you are interested in, run a keyword search in GoCat with the terms "digest" and your area of law. Topical digests, like other digests, organize cases by specific sub-topics. Some topical digests use the same structure as West's National Digest System (see below), while others have their own unique organizational structure. If you encounter a digest with an unfamiliar organization, consult the index or table of contents to learn which sub-topic you should look under to find cases on point.

The only comprehensive print digest system covering the whole United States is West's National Digest System. The National Digest System includes digests for most states, for many of West's regional reporters, for the federal courts, for the Supreme Court and an all-encompassing decennial digest covering all American jurisdictions. Consulting a digest allows you to locate cases dealing with a specific subject area from a selected jurisdiction.

The West Digest System is also available on Westlaw. Lexis has its own online digest system. This guide only covers West's print digests. Guides covering the online Westlaw and Lexis digests are available from the vendors.

B) What You Need to Know to Use a West Digest

1) Topic/Key Numbers

The National Digest System divides the field of law into over 400 subject categories known as "topics". These topics are quite broad (e.g. "constitutional law" or "torts") and so have been further subdivided into very specific and manageable subtopics, often relating to a particular legal concept. Each subtopic is assigned a "key number." Topic/key numbers are used consistently throughout West's National Digest System. They permit you to locate cases on the same specific topic in a New Jersey digest as you would in a California digest.

2) Components in a Digest Entry

5 Cal D 2d—715

Topic and key number at top of page

→

AUTOMOBILES 4

For references to other topics, see Descriptive-Word Index

I. CONTROL, REGULATION, AND USE IN GENERAL.

Research Notes

General duties of motorist, see Blashfield, Automobile Law and Practice.

☞1. What are automobiles or motor vehicles.

Library references

C.J.S. Motor Vehicles § 1 et seq.

N.D.Cal. 1988. Navy munitions train was not "motor vehicle" within meaning of Federal Drivers Act such that individual federal employees were immunized from liability for injuries sustained in accident which occurred when train collided with group of demonstrators. 28 U.S.C.A. § 2679(b). Willson v. Cagle, 694 F.Supp. 713.

Cal.App. 4 Dist. 1958. An "automobile" is a selfpropelling vehicle suitable for use on street or roadway. Williams v. Standard Acc. Ins. Co., 322 P.2d 1026, 158 Cal.App.2d 506.

Cal.Super. 1977. "Motor vehicle" defined in the Vehicle Code. tractor, snowmobile, mobile truck and bulldozer. West's Ann.Vehicle Code, §§ 410, 415, 655. People v. J. Cal.App.3d. "Exclusively," definition of motor vehicle must be given effect §§ 415, 670. People v. Jordan.

Key number defined

Level of court and date

Headnote summary found with case

Full case citation

3) Headnotes

West summarizes the major legal issues of each case and assigns each summary a topic/key number that corresponds with that concept. These summaries are called headnotes. These headnotes are also added to each case published in West reporters. This means that if you have a relevant case on point, you can identify the appropriate headnote(s) and use the assigned topic/key number to search the digests for similar cases.

4) Changing Topic Titles

The digest system was first created in the early twentieth century. Since then legal terminology has changed and new areas of law have evolved. Digest topics have needed to adapt to these developments. Accordingly, West sometimes will change a topic name, or split an existing topic into two or more. When this is done, conversion tables are published to allow the user to track the older topic/key number to the corresponding new topic/key number. These conversion tables are published prior to the old topic entry in the digest volume. So you should be aware that if you are looking for an older topic in a newly published digest volume, the topic's nomenclature may have changed.

C) How to Use a the National Digest System

Four steps are involved in using print digests.

1) Locate the correct digest set

Digests are arranged by geographical or court jurisdiction. For example, there is a digest dedicated only to the United States Supreme Court, there is a digest dedicated to all federal courts (including the Supreme Court), there are digests dedicated to most states, and there are digests dedicated to some of West's regional reporter series (i.e. all the states included in the Pacific Reporter). Tip: Use the narrowest digest for the jurisdictions in which you are interested for a more manageable number of cases, for example, if you are looking for California cases only, you should use the California digest instead of the Pacific digest.

2) Locate relevant topic/key numbers for your topic

There are three ways to locate a relevant topic/key number to access the digest.

- a) Headnote from case you have – If you have a case on point and you have located a relevant headnote, you can go directly to the digest and look up the associated topic/key number. This is the easiest method.
- b) Descriptive Word Index – At the end of each digest set, there is a series of descriptive word index volumes. You can look up words describing your topic and be referred to possible topic/key numbers. Like any index, a controlled vocabulary is used, so you may need to use related words, synonyms, etc. in order to find the entry for your topic.
- c) Browse topic and subtopic lists – At the beginning of each digest volume is a list of the general digest topics. You can browse this list and when you see a relevant topic, you can then go to the beginning of that section and see the general topic broken down by sub-topic. When you find the relevant sub-topic, you will see the topic/key number by which you can find the entry for the cases you want. This method can be helpful if you don't have a case and are unsure what words to look up in the index.

3. Read case summaries and locate cases

When you have found a relevant topic/key number, the next step is to find the digest volume containing your topic and key number (sometimes several digest volumes will be needed to cover a single topic). Each key number entry will include summaries of cases and citations to where they can be found. You can read the case summaries to determine which cases to look up in the reporters.

4. Update Your Research

To ensure that you have the most recent cases on point, you must update your digest research. Main digest volumes typically are not replaced very often. Rather than regularly replacing these volumes, West issues yearly pocket parts to update the digest volumes. Interim pamphlets covering the entire digest set are published several times per year. Finally, reporters and advance sheets include mini digests which cover the cases included in each volume. Accordingly, you must take the following steps to fully update your digest research:

- a) Check pocket parts – These are updated once a year and are located with each digest volume.
- b) Interim pamphlets – These are updated 2-3 times a year and are located at end of the digest set.
- c) Mini-digests in reporter volumes and advance sheets – First check the “Closing with cases reporting in” table in most recent interim pamphlet or pocket part of the digest set. This table is located on or close to the inside front cover of the pamphlet. This will inform you of the latest reporters that the pamphlet covers. You will need to consult each reporter and advance sheet after the latest reporter covered by the most recent pamphlet. The mini-digest is located in the in back of bound reporter volumes and in the front in the advance sheets.
- d) Advance sheets are generally published monthly, so to update beyond the most recent advance sheet, you would need to consult Westlaw online.

If you would like further assistance or have any questions, please contact the reference librarian on duty at (916) 739-7164 or stop by the reference desk.