

Using Digests

University of Idaho
College of Law

Case digests are multi-volume sets arranged in alphabetical order by subject and are used to find case law on very specific legal topics. Digests can also be used for locating cases that have defined specific legal terms or to find the citation to an opinion when :

The largest and most frequently used collection of case digests is that published by the West Publishing Company. West publishes digests for:

- Each individual state (except Nevada, Utah, and Delaware)
- Federal Courts
- 4 of the 7 West Regional Reporters

- The American Digest System (Century, Decennial and General Digests), which includes all reported state and federal decisions.

There is no regional digest for the North Eastern, South Western, or Southern reporters. For these jurisdictions, you must use individual state digests or the American Digest System. Likewise, there is no West state digest for Delaware, Nevada, or Utah. When researching these states in the College of Law Library, you will need to use a regional digest or the American Digest System. The Law Library owns only the following digests:

- U.S. Supreme Court Reports Digest
- Federal Practice Digest (five series)
- American Digest System (Century, Decennial, General)
- Pacific Digest (five series)
- Idaho Digest, California Digest, and Washington Digest.
- Bankruptcy Digest

THE KEY NUMBER SYSTEM

All the digests published by West (except the Century Digest) share a common topical scheme, called the “Key Number System.” A Key Number reference looks like this:

“Adverse Possession” 7(3)

“Adverse Possession” is the West Topic heading under which cases on adverse possession can be found and “7(3)” is the subtopic. If you refer to the outline at the beginning of the “Adverse Possession” section of the digest, you will find that subtopic 7(3) covers the “Acquisition of rights by prescription - public lands granted to individuals.” Each topic and key number represents a unique point of law. The great benefit of the Key Number system is that it is uniform throughout the West digest system. This means that a specific topic and key number can be used to find similar cases in all state and federal digests published by West.

West uses the Key Number system throughout all of its publications:

- *Corpus Juris Secundum* (CJS)
- *United States Code Annotated* (USCA)
- West Publishing’s Reporter Case Headnotes
- Other West Digests for different jurisdictions
- Treatises

West is not the only publisher of case digests. Lexis Law publishes a digest for the U. S. Supreme Court. It is not part of the West system and does not use West’s Key Numbers. It does provide cross-referencing to ALRs and other Lexis Law publications.

The *Federal Rules Service*, *Federal Rules of Evidence Service*, and *Uniform Commercial Code Reporting Service*, all have accompanying digests. These digests are arranged by rule or code section rather than by topic.

USING THE WEST DIGEST SYSTEM

Begin with the narrowest jurisdictional digest first because decisions from the jurisdiction in which your subject is based may be precedents. Also, there will be fewer cases to review, which will save research time.

Federal problem: (1) Supreme Court Digests (narrow)
 (2) Federal Digests (broad)

State problems: (1) State Digest (narrow)
 (2) Regional Digest (broader)
 (3) American Digest System (broadest)

Use a broader jurisdictional digest if you cannot conclude your research in the narrower digest. For example, in researching a problem based in Idaho, begin your research in the *Idaho Digest*. If you fail to find suitable case authority there, broaden your search to nearby jurisdictions using the *Pacific Digest*. As a final resort, repeat your research process in the Decennial and General Digests.

FINDING TOPICS and KEY NUMBERS

Use the digest's **Descriptive Word Index**

Once you have found the correct volume in the digest set, go to the TOPIC and then the subtopic.

It is useful to go over the outline at the beginning of the TOPIC to be sure that the Key Number is still current (if it isn't, Key Number conversion tables in the digest will refer you from an old to a new Key Number).

Check the specific Key Number for cases.

Be sure to check the pocket parts or supplements available for each bound volume for later entries under your Key Number.

Remember:

- Use the digest that covers the narrowest relevant jurisdiction
- When you have a topic and key number, you can use it for research in any West Digest.

CHECKLIST FOR WEST DIGESTS

1) Find a West Topic and Key Number via:

- Descriptive Word Index
- Topic outline
- West Reporter Case headnote from a known case
- Table of Cases
- cross-reference from CJS, USCA, etc.
- reference in ALR 5th

2) Locate the digest set that covers the jurisdiction you are interested in.

3) Find the volume in the set that contains the topic or subject heading of your Key Number.

4) Find the specific Key-Numbered subjects.

5) Update your research by checking the pocket parts under the same Key Number.

6) If necessary, use the same Key Number to find cases under the same topic in other digests.

7) Shepardize all relevant cases found in your digest research.

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