



Self-Guided Library Tour #2:

- Case Reporters
- Digests

SELF-GUIDED LIBRARY TOUR #2 CASE REPORTERS AND DIGESTS

This Tour will help you understand both where judicial decisions are reported and the way to use digests to locate cases on your issue (especially when you research in print media).⁰

I. UNITED STATES SUPREME COURT CASES

A. United States Law Week

Location: *U.S. Law Week* - 9th floor - Library Reference Desk (current volumes).

When the Supreme Court decides a case, the opinion will appear that week in *United States Law Week*, which is published by the Bureau of National Affairs. (The decision will also be available through the commercial legal data bases and on the Supreme Court's web site at www.supremecourtus.gov/opinions/opinions.html). The current volume of *United States Law Week* is kept in the reference stacks behind the reference desk on the 9th floor.⁰ This is the volume you will need to consult in order to read the most recent Supreme Court decisions. Ask to see the current *Law Week*. Notice that one volume contains the printed text of Supreme Court opinions decided the previous week, as well as pending cases in which the Court has granted or denied review, and summaries of significant arguments before the Court. In addition, there is a second volume that publishes selected summaries of other state and federal opinions during the previous week that the editors believe may be of interest.

B. United States Reports - 7th floor - stacks 715-716

Supreme Court Reporter - 7th floor - stacks 716-717; 9th floor - stack 910

United States Supreme Court Reports, Lawyer's Edition - stacks 716, 910

Ultimately, Supreme Court opinions are published in three other reporters. The first is the *United States Reports*, which is the official report of the case published by the United States Government Printing Office. When you cite a decision of the Supreme Court, you should cite

¹ In this Tour, we focus primarily on print media, but you should also look at the Lexis and Westlaw materials and the non-commercial on-line sites.

² *U.S. Law Week* is generally of interest only for its reporting of very recent cases, and even very recent cases are now available both on the commercial on-line services and on the courts' web sites. *U.S. Law Week* may now be useful primarily for its information on pending cases and its summaries of arguments before the Court.

only this source (so long as the cited decision has been published in the *United States Reports*). The *United States Reports* is kept on the west side of the 7th floor. However, lawyers do not actually use *United States Reports*, both because it is VERY slow in publishing opinions (two to three years), and because it contains only the opinion; it does not contain any of the research aids that are included in the commercially printed volumes.

Next to the *United States Reports* on the 7th floor, and also located on the 9th floor toward the south windows, are the two commercial reporters of Supreme Court decisions. These are *West's Supreme Court Reporter*, which begins its coverage with volume 106 of the *United States Reports*, and the Lexis-published *United States Supreme Court Reports, Lawyer's Edition*, which contains all the Court's decisions. In both cases, the text of the opinions is the same as that found in the original *United States Reports*. Open a volume of either of these reporters and you will see small numbers in brackets appearing periodically within the text. These numbers refer to the page numbers on which the same text appears in the *United States Reports*. This cross-referencing system is referred to as "star pagination"; it is important because rules for citation to authority require you to cite all Supreme Court cases as they appear in the *United States Reports*. "Star pagination" enables you to do this without ever actually taking a volume of *United States Reports* off the shelf. Both the *Lawyer's Edition* and *West's Supreme Court Reporter* are much more timely than the *United States Reports*. Both sets publish paper bound advance sheets, which will reach the library in a week or two after the case is decided.

Pick up a volume of *West's Supreme Court Reporter* and look at the format of the cases reported in it. It begins with a "Syllabus," or summary of the decision, followed by individually numbered "headnotes," summarizing specific points of law in the decision. Each headnote contains a "Key Number" designation. You will be able to use this Key Number to find other cases addressing the same point of law (see Section IV). Remember, however, that the Syllabus and the headnotes are not part of the court's decision. They are written by editors at the West Publishing Company and should not be cited as authority.

Now open any volume of the *U.S. Supreme Court, Lawyer's Edition* (frequently referred to simply as "Lawyer's Edition.") This set is published by the Lexis Publishing Company; it contains cross references to many other publications such as *Am. Jur.* It also contains editorial enhancements, similar to those found in the West reporter – a summary of the case, as well as headnotes abstracting specific points of law. Because Lexis Publishing does not have a comprehensive reporter system like West's, which covers all levels of federal and state courts,

these headnotes are not particularly useful in doing research beyond United States Supreme Court cases.

II. OTHER FEDERAL CASES

A. Federal Reporter

Location: 7th floor - stacks 717-718; 9th floor - stacks 911-912

Beginning in 1880, West compiled the decisions of the United States Courts of Appeals in a set called the *Federal Reporter*. These volumes are the only place in which you will find federal appellate court decisions; there is no official reporter for such decisions. The *Federal Reporter* is now in its third series: the first ran from volumes 1-300, and the second from volumes 1-999.

Open any volume and you will see that it, like any West case reporter, contains headnotes indexed according to one of the West Topic Key Numbers. Also, look quickly at the front of the volume. It contains a lot of helpful information, including a map of which states and territories comprise each circuit, which judges sit on which courts, and an alphabetical Table of Cases.

B. Federal Supplement

Location: 7th floor - stacks 719-720; 9th floor - stack 912

The opinions of the U.S. District Courts, the trial courts within the federal system, are published in the *Federal Supplement*. These reporters are found on the 7th and 9th floors, just after the *Federal Reporter*. They are published by West and contain the same headnotes, syllabi, tables, lists, and maps as their appellate counterparts.

Not all the decisions of the federal Courts of Appeal and District Courts are officially reported, or “published.” If you locate an unreported case, perhaps using an on-line search, note that the rules of many circuits prohibit citation to that opinion. West has begun printing unpublished Court of Appeals decisions in the *Federal Appendix*. Like unreported cases found on Lexis and Westlaw, cases in the *Federal Appendix* generally cannot be cited as precedential. (An “unpublished” decision will not have an ___ F. Supp. ___ or ___ F.3d ___ cite.) Just to confuse you further, recent Federal Rule of Appellate Procedure 32.1, effective January 1, 2007, permits citation to unpublished judicial opinions decided after 1/1/07. Note that because

unpublished cases can be cited, it does not necessarily mean that they are binding precedent. You should discuss unpublished opinions in your Legal Writing class.

Finally, West publishes several other reporters of federal decisions. *Federal Rules Decisions* is a reporter that compiles decisions of the federal courts that interpret the Federal Rules of Civil Procedure, Evidence and Appellate Procedure. West's *Bankruptcy Reporter* compiles decisions of the federal bankruptcy courts.

III. STATE CASES

Locations:

West's Regional Reporters: 9th floor - stacks 914 - 919

State Reporters (except Illinois): 6th floor - stacks 601- 616

Illinois Reports and Illinois Appellate Reports : 10th floor "Illinois Room" (northwest corner); Illinois Reports in stacks 1003-04, Illinois Appellate Reports in stacks 1006-7

West's Illinois Decisions: 10th floor "Illinois Room" - stack 1005

Decisions of most state courts are published in both official state reporters and in unofficial West reporters. You will most often be using West's National Reporter System to read decisions of state courts. The National Reporter System consists of seven regional reporters, including the *Pacific*, *North Western*, *South Western*, *North Eastern*, *South Eastern*, *Atlantic*, and *Southern* Reporters, as well as the *New York Supplement*, devoted to New York decisions, and the similar *Illinois Decisions* and *California Reporter*. In our library, a complete set of the regional reporters is located on the 9th floor in alphabetical order. As usual, the decisions appear first in the form of an advance sheet, and later in a bound volume. Each volume of a regional reporter will specify what states are included in the region (and it does not always make sense – for example, Minnesota is in the *North Western* reporter). Cases reported in the West regional and state reporters have West's usual editorial enhancements (syllabus, headnotes etc.).

It used to be that all states published their highest court's judicial decisions in official bound volumes like the *Illinois Reports*, which contains the decisions of the Supreme Court of Illinois. Some states also have separate bound volumes for the decisions of their appellate courts such as the *Illinois Appellate Reports*. Increasingly, however, many states have discontinued their official reporters and rely on West to publish the judicial decisions from their state's courts. You will find the official state reporters for states that still publish them, as well

as the statutes and state digests for most states, on the sixth floor. The states are arranged alphabetically.

IV. DIGESTS

Location: Federal Practice Digest: 9th floor - stack 913

Regional Digests: 9th floor (each digest is shelved immediately following the reporter whose decisions are covered in that digest)

State Digests (except Illinois): 6th floor (shelved with state materials, which are arranged alphabetically by state)

Illinois Digests: 10th floor "Illinois Room" - stack 1005

A. What are Digests?

Now that you know where federal cases are reported, you can locate any case for which you have a citation. But we use digests if we are beginning a research project and don't have any case citations; digests help you find the cases that address the legal topic in which you are interested. The West digests provide you with a gateway into the reporters that enables you to locate cases by topic. Each set of West reporters is followed on the shelves by a set of books called a "digest." A digest organizes thousands of cases by subject matter and provides you with brief summaries of the points of law discussed in these cases. Go to the 9th floor, stack 913, and look at the West *Federal Practice Digest*. You will see that it is broken down into individual topics, organized alphabetically. Take a volume of the digest off the shelf. Notice that at the beginning of each topic there is a detailed topical outline. Each sub-topic in the outline is given a numerical designation, known as the West Key Number.

Select a Key Number in one of the topical outlines, and then turn to the entries under that key number in the digest. Each entry is the same as the "headnotes" that you saw at the beginning of the cases reported in the West reporters. At the end of each headnote there is a citation to the case from which it comes. The *Federal Practice Digest* (now in its 4th edition) contains references to decisions of the United States Supreme Court, the United States Courts of

Appeal and the United States District Courts.³ Cases are listed hierarchically (with Supreme Court cases appearing first, followed by federal appellate cases, and then federal district court cases) and chronologically (with the most recent cases appearing first).

West publishes digests for all regional reporters except the *North Eastern*, *Southern*, and *South Western* reporters,⁴ and for all states except Delaware, Nevada, and Utah. In our library, when a digest is available, it is shelved right after the reporter that contains the decisions it digests. Thus, the federal digests are located on the 9th floor right after the federal reporters, the *South Eastern Digest* is shelved right after the *South Eastern Reporters* on the 9th floor, and the *Illinois Digest* is shelved right after the reporters containing the Illinois decisions on the 10th floor.

There is also a digest set, located on the 9th floor, known as the *Decennial Digest*, which is a case finder for all states. You would use the *Decennial Digest* only if you need to do a multi-state survey of the law, and even then, an on-line search using Key Numbers is likely to be more efficient. Otherwise, it will be more efficient to use the state or regional digests.

B. How Do I Use Digests in My Legal Research?

Using the West digests to perform a Key Number search is one of the most thorough methods of legal research you can perform. Secondary sources may provide citations to a few key cases, but their references to relevant authority are not comprehensive. If you want to be reasonably sure that you have located all of the relevant authority on a particular point of law, you need to do a Key Number search, using the West digests.

If you already have a citation to a case on point, look at the case in a West reporter and make a note of the key number that is assigned to the legal issue you are interested in. Then go directly to the topic and key number in the digest and you will find similar cases.

If you do not have a citation to a case on point, then you must go straight to the Digest. If you think you know what your topic is, select that topic from the digest and look at the *Topic Outline* to determine which key numbers will be the most helpful. Sometimes identifying the

3. West publishes a *Supreme Court Digest* devoted exclusively to Supreme Court cases, but you will almost never have reason to use it. It is useful only when the only cases in which you are interested are Supreme Court cases.

4. All of the states included in these regional reporters have individual state digests.

Topic is easy, e.g., "Landlord Tenant" for problems between landlords and tenants. Sometimes, however, the Topics are not intuitively obvious. To help in locating the proper Topic, each West digest contains a very detailed *Descriptive Word Index* that sets out all the Topics and Key Numbers that might relate to the point. Pick up the *Descriptive Word Index*, and you will see that it makes the digests much easier to use.

There are many circumstances where you may know the name of the case you are looking for, and do not want to spend a lot of time trying to find it using an index. For this reason, at the end of every set of digests, there are also a separate volume or volumes containing a *Table of Cases*, and a Plaintiff-Defendant, Defendant-Plaintiff volume, in case you know the name of only one of the parties.

C. How Do I Update My Digest Research?

Updating a Key Number search in the digests may seem a bit tricky at first since it involves looking at several different books, but it's not difficult once you understand the logic of West's updating system. First, turn to the back of any digest volume, and you will notice a pocket part with recent cases, decided since the bound volume of the digest was published.⁵ This pocket part, however, is only published annually. If you want to make sure that you have not missed any cases on point that were decided since the publication of the pocket part, you must next check to see whether there is a separate soft-cover Cumulative Supplement for the digest. These are generally located at the end of the hard-cover volumes. The *Federal Digest* publishes these Cumulative Supplements every two months. Some regional digests may publish them less frequently. Check your key number(s) in the most recent Cumulative Supplement. Finally, look at the second page of the most recent pocket part or Cumulative Supplement and you will see a list of citations to the most recent reporters whose cases are digested in the pocket part of supplement. E.g., it will say "Closing with Cases Reported in 82 F.3d 1058." In order to complete your updating you must check the shelf to see whether there are any volumes of the Federal Reporter more recent than 82 F.3d. If there have been reporter volumes published since the closing volume of your supplement, there are several ways to update your research. First, you can check the "Mini-Digest" located in the front or back of each one of the reporters published since the closing volume of your supplement, to see if your key number appears. This is a cumbersome and time-consuming process. The simpler approach is to do an on-line key number search on Westlaw, with a limited time scope.

5. If the pocket part gets too big, West will publish a separate soft-cover updating pamphlet which sits next to the related hard-cover digest volume on the shelf.

There are no pocket parts to the Decennial Digests. They are updated with periodic volumes called the General Digests. In order to complete your research in the *Decennials*, you have to check every General Digest volume that has come out since the last decennial. This is an inefficient research method; on the rare occasion when you have an assignment that requires a survey of all the states, it can be more efficiently handled through an on-line search.