



Self-Guided Library Tour #2 For LLM Students:

- 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

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

Supreme Court opinions are published in three 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 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 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. Additionally, Supreme Court

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.

decisions are available on-line, at the Supreme Court's web site and on Lexis and Westlaw, on the day they are 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. This set is published by the Lexis Publishing Company. 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 United States 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.” West prints unpublished Court of Appeals decisions in the Federal Appendix series of books. An “unpublished” decision will not have an ____ F. Supp. ____ or ____ F.3d ____ cite. Although the rules of many courts used to prohibit citation to “unpublished” decisions, and gave such decisions no precedential value, a new Federal Rule of Appellate Procedure, effective January 1, 2007, permits citation to “unpublished” judicial decisions decided after 1/1/07. It is still not clear whether appellate courts will be required to treat these decisions as precedential. Each federal appellate court decides which of its decisions will be “published” in the Federal Reporter.

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.

Most lawyers and judges no longer do their basic caselaw research in printed books. Instead, they use one of the commercial on-line resources, such as Lexis or Westlaw, or the non-commercial on-line resources such as court web sites (the court-run web sites are free).

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. West's “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, the regional reporters are located on the 9th floor in alphabetical order. Each volume of a regional reporter will specify what states are included in the region. 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. 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. 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,¹ 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.

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 Topic is easy, e.g., "Landlord Tenant" for problems between landlords and tenants. Sometimes,

¹ All of the states included in these regional reporters have individual state digests.

however, the Topics are not intuitively obvious. To help in locating the proper Topic, each West digest contains a very detailed Descriptive Word Index volume which 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.