

FINDING CASES WITH A PRINT DIGEST

Research Guide

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1 Introduction

Digests function as indexes to reported cases. They are a case-finding tool, collecting and organizing case law on specific legal issues or topics through a Topic and Key Number system. Digests provide brief case summaries for each case collected in a specific digest. Digests are available in print and electronically through Westlaw. Here we will focus on print digests only.

2 Using a Print Digest

The West Publishing Company – the largest digest publisher – arranges digests through a Topic and Key Number system. For each reported case, editors assign a Topic and Key Number to specific legal issues present in the case. These cases are then briefly summarized and published under their assigned Topic and Key Numbers by date and reporter series or jurisdiction. You can therefore find a case covering a specific legal issue by (1) selecting the appropriate digest set, (2) locating your specific Topic and Key Number in the set, (3) reading the case summaries, and (4) updating your findings.

2.1 Digest Selection

|call number|

Digest sets are published by reporter series, jurisdiction, topic, and date, e.g.,

- **United States Supreme Court Digest** – This digest covers all U.S. Supreme Court decisions (1754 – present). [KF101]
- **Federal Practice Digest** – This set covers all federal courts and includes West's Supreme Court Reporter, Federal Reporter, and Federal Supplement reporter series. The set is subdivided as follows: (1) Federal Digest (pre 1939), (2) Modern Federal Practice Digest (1940-1960), (3) Federal Practice Digest 2d (1961-Nov. 1975), (4) Federal Practice Digest 3d (Dec. 1975-approx.1987), and (5) Federal Practice Digest 4th (approx.1987 – present). [KF127]
- **South Eastern Digest** – This digest set covers state court decisions from GA, NC, SC, VA, WV and is divided into a 1st and 2d series by date (*see individual volumes for date coverage*). [KF135]
- **Virginia and West Virginia Digest** – This digest set covers state and federal court decisions from VA and WV (1681 – present). [KFV2457]

When using a digest, select the set that covers your applicable jurisdiction. Usually it is best to choose the set that is narrowest in scope. For instance, if you are researching state court decisions only in Virginia, using the Virginia and West Virginia Digest would be more efficient than using the South Eastern Digest. Also, it is generally best to begin your research in the most recent edition of the digest set (e.g., South Eastern Digest, 2d).

2.2 Locating Topic & Key Number

Cases can be located within a digest set through West's system of Topics and Key Numbers. This classification system categorizes legal issues into more than 400 Topics. These Topics are then subdivided and assigned a numerical identifier. For instance, assume you are researching whether a former employer can enforce an agreement signed by his former employee not to compete against the employer. For this fact pattern, the Topic "CONTRACTS" and Key Number 115 "Restraint of trade or competition in trade" followed by 116 "— In general" would be relevant to your research, shown below:

5A Va D—7	CONTRACTS
I. REQUISITES AND VALIDITY.—Continued.	
(F) LEGALITY OF OBJECT AND OF CONSIDERATION.—Continued.	
↔113. Inducing fraud or breach of trust.—Continued.	
(4). Inducing breach of contract.	
(5). Affecting administration of trust.	
114. Exemption from liability.	
115. Restraint of trade or competition in trade.	
116. — In general.	

These Topic and Key Number assignments are also included in the headnotes preceding each case printed by West. To locate cases in a specific digest set, you will need to determine what Topic and Key Number is relevant to the legal issue you are searching case law for. There are several different ways you can locate relevant Topics and Key Numbers:

- **Headnotes in a Case on Point** – If you already have a good case for the issue you are researching, you can use the case's headnotes to determine a relevant Topic and Key Number. Headnotes are brief summaries of legal rules or facts with corresponding Topics and Key Numbers found in an opinion published by West. For example, you can see a sample headnote in the case Modern Environments, Inc. v. Stinnett, 263 Va. 491, 561 S.E.2d 694 (2002), below:

MODERN ENVIRONMENTS, INC.,
v.
Johnetta R. STINNETT.
Former employee, who now worked for competitor of her former employer, filed ...
1. Contracts ↔116(1), 202(2)
Covenants in restraint of trade are not favored, will be strictly construed, and, in the event of an ambiguity, will be construed in favor of the employee.

- Descriptive-Word Index** – If you are starting your research without a good case on point, you can use a Descriptive-Word Index (DWI) to find relevant cases. Each digest set includes this subject index at either the beginning or end of the set. To find Topic and Key Numbers through the DWI, analyze the fact pattern related to your issue and try to come up with subject terms which would be in the index. Begin with narrow terms and broaden your search when your original terms are not present. For example, for the fact pattern above, a search of 'covenants not to compete' is too specific. Instead, we must search more broadly under “COVENANTS” where we find “COMPETITION” as a sub-heading with the notation “see also heading CONTRACTS, COVENANTS not to compete.” A search of this entry provides us with several Topic and Key Number combinations as seen below:

CONTRACTS—Cont'd
COVENANTS not to compete—Cont'd
 Trade secrets, preventing disclosure of,
 Contracts ⇨ 118
 Validity,
 Generally, Contracts ⇨ 116-118
 Burden of proof, Contracts ⇨ 141(1)

- Digest Topic Outline** – If you are already familiar with the area of law your issue falls under, you can go straight to the digest Topic. At the beginning of each Topic entry an overview is provided which notes the subjects that are included or excluded from the digest Topic, as well as an outline of sub-topics covered within the Topic and their associated Key Numbers.

2.3 Case Summaries

Once you have found a relevant Topic and Key Number, consult the digest set, choosing the volume that has your Topic. The digest volumes are arranged alphabetically with the included Topics listed on the spine. When you locate your Topic and Key Number you will see a summary for each case that falls under your issue. These summaries are generally organized in descending order from highest to lowest court, with federal cases appearing first. If the digest covers more than one state, the state cases will be arranged in alphabetical order. Multiple decisions from the same jurisdiction are listed in reverse chronological order. A sample summary can be seen below:

court designation & date
 Va. 2002. Covenants in restraint of trade are not favored, will be strictly construed, and, in the event of an ambiguity, will be construed in favor of the employee.) *case summary*
case citation — (Modern Environments, Inc. v. Stinnett, 561 S.E.2d 694, 263 Va. 491.

2.4 Updating

Updating your digest research involves three sequential steps:

1. **Pocket Part** – Examine the back of the digest volume you are using for a pocket part. A pocket part is a paper-bound supplement to the digest volume, summarizing cases decided after the digest's publication. The pocket part is normally published once a year and is generally organized in the same manner as the digest itself, although in some cases West will add or subdivide Key Numbers.
2. **Interim Pamphlets** – After examining the pocket part for any new entries, check to see if any interim pamphlets have been published by West. Interim pamphlets are softcover books placed at the end of the digest set and are arranged similarly to pocket parts. Some interim pamphlets are noncumulative, so check the date on the interim pamphlet to determine the dates covered.
3. **Closing Table** – Lastly, check the back of the last supplemental publication available for the digest (either the pocket part or interim pamphlet) for the closing table. This table lists the last reporter volumes covered by the most recent supplemental publication. To find if any relevant cases have been reported after the last supplement, you must check the back of each succeeding reporter where a mini-digest is located.