



# Finding Cases

BOSTON COLLEGE LAW LIBRARY

## How are cases organized?

While not all judicial decisions are published, those that are published are issued chronologically in case reporters by court, court system, or broad subject matter. As a result, cases about totally different topics may appear next to each other in a reporter. Even topical reporters such as the *Bankruptcy Reporter* or *Federal Rules Decisions*, which contain cases on a limited area of the law, require a method of finding cases that discuss particular topics or points of law.

## What is the best way to find cases?

There are a number of ways to find cases. The best way depends on what you are looking for, what materials are available, how much you already know about the topic, and whether you already have relevant cases on point. Case research can be done manually using print sources and online using computer-assisted legal research.

Boston College Law School students, staff, and faculty have access to two commercially available online research systems, LexisNexis and Westlaw. Both contain the full text of cases and allow you to search for cases that contain relevant words or phrases. These systems work particularly well for research problems involving unique factual terms and for certain types of specialty research, such as identifying opinions written by a particular judge. Training in both LexisNexis and Westlaw is available throughout the year.

The Internet is an increasingly useful tool for finding cases. Begin your research by visiting the Boston College Law Library's Web page at <http://www.bc.edu/lawlibrary>. Click on "Research," then select the relevant jurisdiction (U.S. Supreme Court, U.S. Courts of Appeals, or state courts) to begin searching for cases. Boston College does not maintain the case law Web sites; before beginning your research be sure to read each Web site's instructions about how to search its case law database.

Another easy way to start your research is to use secondary sources, such as law reviews, to lead you to case law. Whether you start with secondary sources or jump right into case law research, the digest is an important tool for finding cases.

## What is a digest?

A digest is a topical arrangement of very brief summaries of the points of law found in a case. The digest arranges these summaries, called headnotes or annotations, topically so that once you have found one case on point, you can easily find other cases on that point or related points. The headnotes include citations to cases so they may be read in full.

The well organized, logical approach of the digests helps you to understand legal issues in context. A digest allows you to redefine your research goals and theories to find the best precedents for your research problem. Your research is not complete if you haven't considered using digests.

An initial word of warning: Never cite to a case that you have not read in full. A digest is a case finding tool and should not be relied upon to interpret cases. Digest editors can and do make mistakes, and small excerpts from cases are often misleading about the actual statement of law found in a case.

### Example of a headnote from a West Key Number Digest:

<b>PRISONS</b>	4
4 —	<b>Regulation and Supervision</b>
... 4(14) —	<b>Religious practices and materials.</b>
<p><b>N.Y. 1986.</b> Prisoner who had not cut his hair for over 20 years due to his sincere religious beliefs was not required to comply with directive of State Department of Correctional Services mandating that all newly received inmates have haircut for reasons of health and sanitation as well as to permit taking of initial identification photographs, where identification photographs could be successfully taken if prisoner simply pulled his hair back, and there was no regulation governing length of hair following initial haircut. U.S. Const. Amend. 1.</p>	
<p>People v. Lewis, 68 N.Y.2d 923, 502 N.E.2d 988, 510 N.Y.S.2d 73</p>	

## What types of digests are there?

Some digests are separate sets of books. Others are just sections of larger works, such as those found in looseleaf services. Digests are characterized by the information they digest. Digests may contain headnotes of cases from an individual court, a court system, a group of related courts, or from cases related by subject matter or date of decision.

## How are digests organized?

Digest headnotes are arranged by topic (broad subject area) and key number or section (subdivisions of a topic that represent more specific points of law). The most extensive publisher of digests, West Group, uses the same topic and key number system for all its digests. At the beginning of each digest topic is a Topic Analysis that explains what each key number within that topic represents. When no cases are digested under a particular topic and key number, that key number refers the researcher to the topic analysis section to find another related key number.

## How can I be sure I'm using digests effectively?

Here are five hints for using digests effectively. They are more fully explained later in this guide:

1. Choose the correct digest, one that contains cases from the courts you are looking to for precedent.
2. Use the index volumes at the end of every digest set to identify appropriate topics and key numbers that address the points to be researched.
3. Check all appropriate digest volumes, pocket parts, and pamphlets to be sure that your research is thorough and up to date.
4. Use specialty features of digests such as the table of cases or the defendant-plaintiff table when appropriate.
5. Use other sources such as annotated codes or treatises to help you begin research using digests.

## How do I choose the correct digest?

Select the digest that contains the court(s) or type(s) of material you need without including unnecessary material.

### To find cases:

### use:

in an individual state

individual state digest

in a group of states

regional digest

in U.S. Supreme Court

*West's Supreme Court Digest*

*Lawyers' Edition Supreme Court Digest*

in U.S. Bankruptcy Court

*West's Bankruptcy Digest*

in all Federal Courts

1754 - 1939

*West's Federal Digest*

1939 - 1961

*Modern Federal Practice Digest*

1961 - 1975

*West's Federal Practice Digest 2d*

1975 - 1987

*West's Federal Practice Digest 3d*

1987 - to date

*West's Federal Practice Digest 4<sup>th</sup>*

in all state and federal courts

1658 - 1896

*Century Digest*

1897 - 1976

*1<sup>st</sup> - 8<sup>th</sup> Decennial Digest* (issued every 10 years)

1976 - present

*9<sup>th</sup> Decennial Digest* forward (each Digest is issued in two Parts in 5-year increments)

current

*General Digest* (not cumulative - updates the most recent *Decennial*)

### To find cases:

### use:

that judicially define terms

*Words and Phrases*

on a topic covered by a looseleaf service

digest or index section of the looseleaf service

### How do I find the correct digest topics and key numbers?

There are a variety of ways to find topics and key numbers to lead you to cases on point. Some approaches use finding aids within the digest itself, such as the descriptive word index. Some methods rely more heavily on the researcher's previous knowledge. To make your research more effective, make use of the information you already have to find cases in the easiest way.

**If you know:**

a case on point numbers

little about the topic

specific terms topics

words needing judicial definition

**use:**

headnotes from the case to identify appropriate topics and key

secondary sources to find relevant cases and useful background information

descriptive word index in appropriate digest to identify relevant and key numbers

*Words and Phrases* to find cases defining them

Using a combination of methods may yield the best results. Remember that you will probably find more than one relevant key number. Once you have found one or more topics and key numbers that seems on point, you should consult the topical analysis outline in the digest volumes to see if there are other key numbers under that topic that may also be relevant to your research problem.

### How do I find a case when all I know is the case name?

If you know the case name, use the Table of Cases in the appropriate digest. These are usually located at the end of the digest set. If you know a case's popular name, such as "The Chicago Seven," use *Shepard's Acts and Cases by Popular Name*, Law Reference Desk KF 90 .S52. Citations can also be found using Shepard's case name citators.

### How can I be sure my research is thorough and up to date?

1. Check the years of coverage of the bound digest volumes. Earlier digest series are supplemented by later digest series. Current digests are supplemented by pocket parts and pamphlets.
2. When you are using a current series of a digest be sure to check your topic(s) and key number(s) in the pocket part as well as the bound volume. If there is no pocket part, look instead for a free-standing pamphlet that updates that particular volume.
3. Look for supplementary pamphlets at the end of the digest set that update the annual pocket parts for the entire digest set. If you find some, check the appropriate topic(s) and key number(s).
4. Check the "Closing with Cases Reported in" section at the front of the most recent pocket part or pamphlet used so far. Find the West case reporter that is likely to have cases on your digest topic.
5. Go to the case reporter that you identified in step 4. Look in the digest sections in the back of all bound volumes and the front of all advance sheets beginning with the volume number listed in the "Closing with Cases Reported in" section of the digest to see if any recent cases have appeared under your topic(s) and key number(s).

#### Example of a Closing Table in West's Illinois Digest 2d:

Closing with Cases Reported in	
Illinois Decisions.....	228 Ill.Dec. 618
North Eastern Reporter, Second Series .....	689 N.E.2d 1039
Supreme Court Reporter .....	118 S.Ct. 908
Federal Reporter, Third Series .....	134 F.3d 387
Federal Supplement.....	984 F.Supp. 645
Federal Rules Decisions .....	176 F.R.D. 362
Bankruptcy Reporter .....	215 B.R. 894

For example, this Closing Table shows that cases reported up to 689 N.E.2d 1039 are included in the most recent digest supplement. To find more recent cases, go to *North Eastern Reporter 2d* and check the digest sections of all bound volumes and advance sheets beginning with volume 689.

6. Don't forget to Shepardize or KeyCite to verify that cases you rely upon have not been overruled.

### Where are digests shelved at the Boston College Law Library?

The Supreme Court digests have call numbers of KF 101; Federal digests have call numbers of KF 127; General and Decennial digests have call numbers of KF 141; *Words and Phrases* has the call number KF 156; and *West's Bankruptcy Digest* has the call number KF 1515.3. All are shelved in the General Collection on Level 3.

The regional digests have call numbers of KF 135 and are shelved in the General Collection on Level 3. The North Eastern, Southern, and South Western regions do not have digests, and states in those regions must be researched through individual state digests or the General and Decennial digests.

The *Massachusetts Digest* volumes are shelved in the Massachusetts Collection on Level 4.

### How do I find cases that interpret statutes?

The easiest way to find cases that interpret statutes is to use an annotated code. A code is a topical arrangement of all the permanent general laws in force in a particular jurisdiction. Annotated codes add headnotes from cases that interpret individual code provisions. These appear after every code section.

### Where can I get information on pending cases?

Most of the cases found in law libraries are not pending cases but judicial opinions, primarily from appellate courts. However, there are limited instances in which law libraries contain information on pending litigation.

Cases pending in the U.S. Supreme Court may be tracked using *U.S. Law Week*, KF 105 .U54. Current issues are on reserve at the Information Desk. Decisions from interlocutory appeals may be reported before the litigation is completed. Docket information is available on the web at <http://www.supremecourtus.gov/docket/docket.html>.

For information on trials in progress the best source is usually general newspapers such as the *New York Times*, or legal newspapers such as the *National Law Journal* or *Massachusetts Lawyers Weekly*. Many state and federal courts have links to their dockets on their websites. Dockets often include information on pending cases.

### Further References

Cohen, Morris L, Robert C. Berring, and Kent C. Olson, *How to Find the Law* (West Publishing). Chapter on "Case Finding." LAW RESERVES KF 240 .H6

Cohen, Morris L. and Kent C. Olson, *Legal Research in a Nutshell* (West Publishing). Chapters on "Case-Finding" and "Case-Finding by Computer." LAW RESERVES KF 240 .C54

Jacobstein, J. Myron and Roy M. Mersky, *Fundamentals of Legal Research* (Foundation Press). Chapter on "Digests for Court Reports." LAW RESERVES KF 240 .J3

An electronic version of this guide may be found at <http://www.bc.edu/schools/law/library/research/researchguides/>

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