

West Digests

Bridge to Nowhere?
Successfully Spanning the Legal Research Gap

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Why teach Digests? Why do they matter?

- Encourage reasoning by analogy
- Facilitate researching the rules rather than the facts
- Can provide the larger context for an issue
- Enable thorough ("scorched earth") case-law research
- Give access to "dictum"
(Dictum: statements in case law that do not directly relate to the "holding" or rule of a case but can give guidance as to how judges might approach a problem, issue or situation.)

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Why teach Digests? Cont'd

- Provide one alternative path to full-text searching.
- Helpful when you have one good case.
- Offer avenues into cases not available in any other way.
- Offer comprehensive case law access —
Digests include cases arising under common law and cases interpreting statutes; will include cases even if not groundbreaking (and so not appearing in the treatises.) Every *published* case in the jurisdiction is included.

If summers / new attorneys aren't using
digests, they are probably missing cases. ³

Ideas for Teaching —

Digests are one of 5 ways to find a case

1. Secondary sources —
treatises and practitioner resources, including knowledgeable senior attorneys.
2. Annotated codes
(on West, cases up for review in the California Supreme Court disappear from the key number system and code. Deerings has them.)
3. Full text (online) searching of case law
4. Cite checking —
part of the “one good case method” (Shepards and Keycite.)
5. West’s Key Number Digests

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5 Ways to Teach Digesting

1. Descriptive Word index (Print Only)
Not quite the same as doing a field sy/di search
2. Browse the Outline (in print or online)
3. One good case method
(Find your case and then use the Topic and KeyNumber associated with your headnote or headnotes of interest.)
4. Search for key numbers”
by entering key terms associated with your issue
5. Enter your Topic and KeyNumber
and go directly to headnotes associated with it.

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Teaching — when you own the print

1. You have it, you’ve already paid for it and searching is “free
2. Descriptive word index (unique to print) lets you search by fact-based (and legal-concept-based) terms
3. Use *West’s Analysis of American Law* to see where your Key Number is placed in the Topic outline. It is easier to do this in print than online.
4. Layout and ease of reading in print

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What do newbies know? Not much!

- Exposure / instruction? Very little if any
- Appreciation for role of Digests — high once they appreciate what it can do

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Key Number Searching on Westlaw

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The screenshot shows a Westlaw search results page for the case **Becker v. IRM Corp.**, 59 Cal.Rptr.3d 114, 115, 116 (Cal. Ct. App. 1st Dist., 1995), April 29, 1995 (Revised: 24 April 2009). The page displays the full text of the opinion, which discusses a landlord's liability for injuries to tenants or occupants. Annotations on the page include:

- A yellow box at the top with the text "Narrowing your search from a case".
- A yellow box on the left side with the text "1. Find case", "2. Locate headnote", and "3. Click KeyNumber".
- A yellow box on the right side with the text "KeyCite" and "KeyCite Citing References for this Headnote".

The search results list includes the following items:

- ALR: 1. Landlord's Liability for Failure to Protect Tenant from Criminal Acts of Third Person
- Am.Jur.2d: Landlord and Tenant
- 2. Breach of Contract: Interference by Third Person






