

USING THE DIGESTS

What is a digest?

The digest has been an essential case-finding tool since the *United States Digest* was first published in 1848. A digest is a multivolume index to the law consisting of major topic headings, thousands of subheadings, and short summaries of legal propositions stated in published court cases. These summaries are commonly referred to as *headnotes*.

Despite the development of computer-assisted legal research services, the digest is no doubt still the most widely used tool for finding cases. Digests are published for single states, groups of states, single courts or court systems, and topical areas (e.g., *Military Justice Digest*).

Key Number Digests

When looking for cases published in West's National Reporter System®, you will enjoy the special benefits of West key number digests. Key number digests are encyclopedic volumes divided into more than 400 topics. Each topic begins with an outline of its subheadings (the *topic analysis*), followed by headnotes arranged under the subheadings.

Unlike subheadings in digests from other publishers, each subheading in West key number digests is assigned a West topic and key number. The topics and key numbers appear again in cases published by West Group, as well as in West Group's annotated statutes, legal encyclopedia *Corpus Juris Secundum*® (CJS®), and other publications, allowing efficient cross-referencing.

In addition, West topics and key numbers appear in the cases on Westlaw,® West Group's computer-assisted legal research service. They can thus be used to find all other cases with headnotes classified under the same topic and key number.

How do I find cases when I have an issue?

Descriptive-Word Indexes

You will typically begin by brainstorming for factual and legal terms (e.g., *aliens*, *amnesty*, or *deportation*) associated with your issue, as well as synonyms and antonyms for those terms (e.g., *permanent resident* or *waiver*). You would then look for those terms in the Descriptive-Word Index, which comprises one or more digest volumes.

Westlaw is available on the Web at lawschool.westlaw.com.

For assistance, call **1-800-850-WEST** (1-800-850-9378).

The diagram shows a sample entry from a West key number digest for the topic "ALIENS". The entry is enclosed in a box and has several labels on the left side pointing to different parts of the text:

- Subjects included:** Points to the "SUBJECTS INCLUDED" section, which lists: "Persons of foreign allegiance; their rights and disabilities in general", "Exclusion or expulsion from the country", "Regulation and restriction of immigration", and "Admission to citizenship".
- Cross-references to other topics:** Points to the "SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS" section, which lists: "Alien enemies, see WAR AND NATIONAL EMERGENCY", "Domicile, application of law of, see titles of particular subjects involved", "Escheat proceedings, see ESCHEAT", "Federal courts, jurisdiction and venue, see FEDERAL COURTS", "Particular kinds of property or particular remedies, rights and liabilities in respect of, see MINES AND MINERALS, SHIPPING, PATENTS, COPYRIGHTS AND INTELLECTUAL PROPERTY, TRADE REGULATION and other specific topics", "Workmen's compensation acts, rights under, see WORKERS' COMPENSATION", and "Wrongful death, right of action for, see DEATH".
- Topic outline (partial):** Points to the "Analysis" section, which contains a list of sub-topics and their key numbers: "I. DISABILITIES, ☞1-17.", "II. EXCLUSION OR EXPULSION, ☞18-38.", "III. IMMIGRATION, ☞39-59.", and "IV. NATURALIZATION, ☞60-72.". Below this is a more detailed outline for "I. DISABILITIES.", including: "☞1. Who are aliens.", "2. Evidence of alienage.", "3. Status in general.", "4. Protection of persons and personal rights.", "5. Real property.", "5.1. — In general.", "6. — Disabilities in general.", "(1). In general.", "(2). Who may question capacity.", "7. — Right to take by purchase or devise.", "8. — Right to dower or curtesy.", and "9. — Right to take or transmit by descent."

At the bottom of the box, it says "For detailed references to other topics, see Descriptive-Word Index".

Excerpt from West's® Federal Practice Digest® 4th

Each entry refers you to the West topic and key number under which case headnotes pertaining to a specific fact or legal issue have been classified. For example, "ADJUSTMENT of Status. **Aliens 53.10(2)**" tells you that headnotes pertaining to the adjustment of status of aliens can be found under key number 53.10(2) under the topic Aliens.

Remember that key numbers and even entire topics are sometimes reorganized as the law develops. Accordingly, be sure to check the same descriptive words in the pocket part supplement inside the back cover.

After recording all potentially valuable topics and key numbers from the Descriptive-Word Index, look at the main digest volumes. Write down case citations. Look at the topic outline for other subheadings that might yield relevant headnotes. Write down those key numbers and case citations, too. Check for recent cases in the pocket part.

Topic Analysis

In addition to checking the Descriptive-Word Index, you can go right to the topic outline and look for relevant subheadings. If necessary, check the Outline of the Law or the alphabetical list of digest topics (both located at the front of the digest volumes) for topic names you may have overlooked. As with any West Group print publication, you will need to check the pocket part supplement after you find a useful topic.

Custom Digest on Westlaw

You can access the Custom Digest service on Westlaw via lawschool.westlaw.com, which contains a complete outline of all West topics and key numbers, to look for topics and key numbers related to your issue and to retrieve case headnotes classified under those topic and key numbers. (To access the Custom Digest, choose **Key Numbers & Digest** from the *More* drop-down list on the toolbar.)

You can quickly scan the headnotes in your Custom Digest result to identify cases that are useful to you. Hypertext links allow you to retrieve the full text of the cases and related references (such as annotations from *American Law Reports* and articles from journals and law reviews) without leaving your result. For more information on Westlaw, contact your West Group academic account manager or student representative, or consult the print publication *Discovering Westlaw*.

ALIENS

Topics and Key Numbers

ALIENATION
HUSBAND or wife, see this index Enticement or Alienation of Spouse or Fiancee
PARENTS' affections. Torts 9
RESTRAINT, see this index Restraint of Alienation
SUSPENSION of absolute power of, see this index Perpetuities

ALIENS
ACCESS to courts. Const Law 328
ACTIONS by or against aliens in general. Aliens 16
 Summary judgment. Fed Civ Proc 2483
 United States' consent to be sued or waiver of immunity from suit involving. U S 125(15)
ADJUSTMENT of status. Aliens 53.10(2)
ALIEN tort statute. Fed Cts 192.10
AMNESTY. Aliens 53.10(1)
 Criminal prosecutions. Aliens 17
APPEARANCE and delivery bonds. Aliens 53.9
ARMED services—
 Drafts for armed services. Armed S 20.4(2)
ARREST—

Descriptive words
Digest topic
Key number

Excerpt from *Descriptive-Word Index to West's Federal Practice Digest 4th*

I found one good case. How do I find similar cases?

Sometimes you will be fortunate to find a relevant case early in your research. If that occurs, you can write down the relevant topics and key numbers from the case and go directly to them in the digest and pocket parts. With the West Key Number System,[®] you can retrieve the same cases whether you start with a case or with a digest.

What steps should I take to update my result?

To make sure the cases you found are the most current cases controlling your issue, you will want to update your research using the digests and KeyCite.[®] To update your results using the digests, follow these steps:

1. In the **bound digest volume**, check the digest topic and key number pertaining to your issue.
2. Check the same digest topic and key number in the **pocket part**.
3. Check the same digest topic and key number in the **digest interim pamphlet** if one is available for the set.
4. Check the **closing table** (located in the first pages of the digest) on the last update to the digest, either the pocket part or the pamphlet, whichever is more recent. The closing table will give you the number of the last bound volume of each case reporter (e.g., *Pacific Reporter*[®] 2d) covered in the digest.
5. Turn to the **digest section (back pages) in the next bound case reporter** following the last one listed in the closing table; check the digest topic and key number. Repeat this step for all reporter volumes that contain cases after the closing table citation.
6. Turn to the **digest section (front pages) in the first advance sheet** issued after the last bound case reporter volume. Check the digest topic and key number again. Repeat this step with the remaining advance sheets through the current advance sheet.

To retrieve the most current cases, sign on to Westlaw and access the appropriate case law database. Run a topic and key number search using the same topic and key number with an added-date restriction. After the cases are retrieved, access KeyCite on Westlaw to trace their history and retrieve citing references, including cases and secondary sources.

| 2A F.P.D. 4b-3 | ALIENS |
|------------------------------------|--|
| III. IMMIGRATION—Continued. | |
| 53.10. | — Relief against exclusion or deportation. (1). In general; pre-examination and voluntary departure. (2). Suspension, stay or adjustment of status. (3). Hardship cases; refugees and displaced persons. |
| 54. | — Administrative procedure. (1). In general. (2). Preliminary proceedings; charges and informing alien of rights. (3). Hearing, witnesses and findings. (3.1). — In general. (4). — Fairness; assistance of counsel. (5). Record, rehearing and administrative review. |
| 54.1. | — Evidence in administrative or judicial proceedings. (1). In general. (2). Presumptions and burden of proof. (3). Admissibility. (4). Sufficiency, particular issues. (4.1). — In general. (5). — Crimes and immorality. (6). — Loyalty and security grounds. |
| 54.2. | — Order and warrant, enforcement. (1). In general. (2). Place to which deported. (3). Conclusiveness; successive proceedings. |
| 54.3. | — Judicial remedies and review. (1). In general. (2). Scope of inquiry or review. (2.1). — In general. (3). — Presumptions and review of discretion. (4). — Evidence and questions of law or fact. (5). — Effect of irregularities; harmless error. (6). Determination and subsequent review. |
| 54.4. | Expenses; carriers' and third persons' rights, duties and liabilities. |

Topic Outline in West's Federal Practice Digest 4th

| 54.3(3) | ALIENS |
|----------------|---|
| N.D.III. 1996. | District court's review in case denying visa petition is limited to determination whether Immigration and Naturalization Service's (INS) denial of visa petition was abuse of discretion.— <i>Grimson v. I.N.S.</i> , 934 F.Supp. 965. |
| 54.3(4) | Evidence and questions of law or fact. C.A.D.C. 1996. Standard of review for equal protection challenge to immigration statute is that statute will be upheld if based on facially legitimate and bona fide reason. U.S.C.A. Const. Amend. 5.— <i>Miller v. Christopher</i> , 96 F.3d 1467, 321 U.S.App. D.C. 19. C.A.5 1996. Determination that elements of crime constitute moral turpitude for purposes of deportation is question of law, which Court of Appeals reviews de novo. Immigration and Nationality Act, § 241(a)(2)(A)(i), 8 U.S.C.A. § 1251(a)(2)(A)(i).— <i>Harndan v. I.N.S.</i> , 98 F.3d 183. |

Entry for Aliens 54.3(4) in West's Federal Practice Digest 4th

| MILLER v. CHRISTOPHER | 1467 |
|---|---|
| Chas. 96 F.3d 1467 (D.C. Cir. 1996) | |
| Lorelyn Peters MILLER, Appellant, v. Warren CHRISTOPHER, Secretary of State, Appellee. No. 94-1168. United States Court of Appeals, District of Columbia Circuit. Argued Nov. 21, 1995. Decided Oct. 8, 1996. | was successful and finding by court, under general rule applicable to persons born outside United States, that she was citizen from birth. U.S.C.A. Const. Art. 3, § 2, cl. 2; Immigration and Nationality Act, §§ 301(c), 302(a), 8 U.S.C.A. §§ 1401(g), 1418(a). |
| Illegitimate daughter of citizen father brought action against Secretary of State, after her application for citizenship was denied, challenging constitutionality of equal protection grounds of statute governing citizenship of illegitimate child born abroad of American father and alien mother. The United States District Court for the District of Columbia, Royce C. Lamberth, J., 870 F.Supp. 1, granted Secretary of State's motion to dismiss, and daughter appealed. The Court of Appeals, Michael, Senior Circuit Judge, held that: (1) daughter demonstrated redressible injury for standing in challenging constitutionality of statute; (2) additional requirements for citizenship of illegitimate | 2. Citizens 9-9 Constitutional Law 4-234(2), 250.5 Additional requirements for citizenship of illegitimate child born outside United States of alien mother and American father did not represent unconstitutional denial of equal protection based on status of child or sex of parent, done to promote early test to United States citizen relatives and recognition that mothers and fathers of illegitimate children are not similarly situated supported additional requirements. U.S.C.A. Const. Amend. 5; Immigration and Nationality Act, § 309(a)(3, 4), 8 U.S.C.A. § 1409(a)(3, 4). |
| | 8. Aliens 54.3(4) Constitutional Law 4-234(2) Standard of review for equal protection challenge to immigration statute is that statute will be upheld if based on facially legitimate and bona fide reason. U.S.C.A. Const. Amend. 5. 4. Children Out-of-Westlock 54.3 |

Miller v. Christopher, 96 F.3d 1467 (D.C. Cir. 1996) in West's Federal Reporter[®] 3d

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