

Finding Case Law with Topical Digests

Case reporters publish court decisions in chronological order, as they are released by the courts, but the reporters do not include topical indexes to allow you to find those cases by topic. To find cases on a specific topic, you must use a topical digest. The majority of topical digests are published by West Publishing, which has developed an elaborate hierarchy of legal topics.

What are digests?

Digests are multivolume sets with topics arranged in alphabetical order, similar to the organization of an encyclopedia. Each West digest topic is divided into subtopics, organized numerically by *key numbers*, designated by a 🗝️ symbol. Thus, to find cases on fraudulently created wills, you would look in the Wills topic under key number 153, or 🗝️153. Under this key number, you would find abstracts, called *annotations*, of cases that discuss the issue represented by that key number.

The West digest system is also available on Westlaw (see below). In addition, West incorporates its digest research system into many of its other publications, such as American Jurisprudence 2d, to create a web of cross-referenced resources.

The jurisdictional coverage of each digest set is different, but if it is a West digest, it will probably be a subset of the most comprehensive digest, *West's Decennial Digest*, which covers all West-published federal and state cases, and its supplement, *West's General Digest*. Examples of these subsets include:

West's Federal Practice Digest
West's U.S. Supreme Court Digest

West's Atlantic Digest
West's District of Columbia Digest

It is best to select a digest narrowly tailored to the jurisdiction(s) whose law you are researching. In addition, if you are interested in the latest case law, make sure to use the latest digest series (2d, 3d, etc.) for that jurisdiction.

How do I begin to look for relevant cases in a West digest?

How do you figure out which topics and key numbers to use? You begin with the digest subject index, called the *Descriptive Word Index*. Look up words that express the concept you are researching. You may have to brainstorm to come up with various synonyms and other alternate terms. The index may refer you to another term, so follow the trail.

Eventually, you will find an index entry that appears to be right on target. It will send you to one or more West topics and key numbers. An index entry will look like this:

FERRIES, regulation of **Ferries** 🗝️29

Once you have found your topic(s) and key number(s) in the index, don't assume you are done with the index. Check to see if it has a pocket part or separate supplement. New index entries may have been added, especially if you are researching a cutting-edge issue.

Is there another way to find relevant topics and key numbers?

All cases published in West reporters incorporate the West digest system. The text of every case is preceded by a series of *headnotes*, which are abstracts of each issue discussed by the court in that case. Each headnote begins with a West topic and key number. This is the same topic and key number you might have found in the digest index, had you looked there for the concept covered by this headnote.

Where do I find annotations to relevant case law?

When you have exhausted the index, or you have a topic and key number from a case headnote, find your topic in the multivolume digest. Remember, topics are arranged in alphabetical order, and not every topic is listed on the volumes' spines.

Once you have found your topic, find your key number within that topic. You will find case annotations listed under the key number. Each annotation is a summary of one of the issues discussed by the court in that case. An annotation for the topic Divorce and key number 245(2) will look like this:

Divorce

☞ 245(2) k. Grounds and Rights of Parties.

Mo.App. 1995. Income produced as result of assets wife received in dissolution decree did not constitute change supporting modification of maintenance provision of decree, since income from property wife received in dissolution decree was foreseen when decree was entered. V.A.M.S. § 452.370. Theilen v. Theilen, 911 S.W.2d 317, Mo.App. W.D. 1995.

Review the case annotations listed under that key number, making sure to limit your review to only those cases in the jurisdiction(s) you are researching, if your digest covers more than one jurisdiction. Note the citations to any cases that appear to be relevant to the issue you are researching. Find them in the case reporter or online.

Don't forget to update

Don't forget to check for more current case annotations in the digest pocket part! If you are using the *Decennial Digest*, the *General Digest* will serve as your "pocket part." Use the Table of Key Numbers in every tenth volume of the *General Digest* to determine which volumes of the *General Digest* will include more recent cases on your topic and key number.

How do I find cases on Westlaw using the digest system?

The West digest system is also available on Westlaw, and there are several ways to find cases related to the topic(s) and key number(s) you have already determined are relevant.

From a known case

If you have retrieved a case on Westlaw with relevant headnotes, you may simply click on the topics and key numbers of any headnote. This will take you to the search screen, where you may find other cases with the same topic(s) and key number(s). You may also add other keyword search terms to narrow your search and select a different jurisdiction.

Searching a case database by topic and key number

Westlaw translates each digest topic to a number for online searching. Thus, the digest topic, Administrative Law and Procedure, becomes topic number 15A with a key number of, say, 473. On Westlaw, this becomes 15Ak473.

Select the narrowest case database that will cover the jurisdiction(s) in which you are researching and open the search screen for that database. Enter *a search that targets only the digest field in each case*, to retrieve all cases in that jurisdiction that include at least one headnote with your digest topic and key number.

For example, a search for 15Ak473 in only the digest field of each case will appear as *di(15Ak473)*. You may also add other keyword search terms to narrow your search further. An example might appear as *di(15Ak473) & evidence*.

This search will retrieve a narrowly tailored selection of cases that relate to the issue covered by that topic and key number.

Browsing through the digest system hierarchy

Finally, you may also browse the entire digest system hierarchy on Westlaw, then click on relevant-looking key numbers to find cases relevant to the issue covered by that key number.

Click on the KeySearch link at the top of any Westlaw screen to get to the digest system, which is hidden within the KeySearch service. *The digest on Westlaw is not the same thing as KeySearch*, which is a less precise reorganization of the digest system.

Once you are in KeySearch, click on *West Key Number System* on the left sidebar. This will take you to the full digest hierarchy. Here, you may browse to find topics, and key numbers within, or you may go straight to the topic(s) and key number(s) you have already found. (You may also enter a known topic and key number at the bottom of the screen.)

Check the box next to any desired key numbers and click the *search selected button* at the bottom of the screen. This will take you to a search screen, where you will be allowed to select the jurisdiction(s) and other specifications for your search, and to add other keyword search terms to narrow your search further.

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