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Digest Topics & Key Numbers

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DIGEST TOPICS & KEY NUMBERS

West's *Key Number System* is a means to find all cases on the same or similar points of law. West Publishing Company receives copies of slip opinions from every court in the country. An editor, after reading and analyzing the opinion, writes the headnotes. Each headnote represents one point of law discussed in the opinion. The editor then assigns the headnote to one of over 400 Topics. The Topics are divided into subdivisions. The numbered subdivisions are the Key Numbers. The editor also assigns the headnote to a specific Key Number within the appropriate Topic. The headnotes, with their corresponding Topics and Key Numbers are gathered together into digests which are part of West's *American Digest System*.

Using the Print Digests:

- 1) Begin with a Topic and Key Number obtained from:
 - a) a relevant case, or;
 - b) a search of the Index to any West digest, or;
 - c) a reference from another West publication like *CJS*, an annotated code, or a treatise.
- 2) Look up the Topic and Key Number in the bound volumes of a digest.

Choose the digest most relevant to your problem. If it's a state specific issue choose a state digest like Georgia or California. If you only want U.S. Supreme Court decisions use the *Supreme Court Digest*. If you want to examine all of the cases on a particular issue but only for the most recent two year period then you'll want to use a *General Digest*. See the Reference Librarian for help selecting the appropriate digest.
- 3) Check the same Topic and Key Number in the Pocket Part.
- 4) Check the Supplementary Pamphlet. Use the on-line catalog to determine if there is a current Supplementary Pamphlet.
- 5) Look at the "Closing with Cases Reported in" table in the Pocket Part or the Supplementary Pamphlet (usually on the back of the title page). This table, also known as the "closing table," indicates where the digest stopped including cases from your reporter. If your digest volume is newly issued and has no supplementation, check for a closing table on the back of its title page.
- 6) Go to the reporters which correspond to the digest you are using. For example, go to the *Southeastern Reporter* if you are using the *Southeastern Digest*. Each reporter volume has a key number digest for the cases contained in that volume. Begin checking with the volume number obtained in Step 5. The volume digest is in the back of the hard bound reporters.
- 7) Check the Advance Sheets, the key number digest is in the front. Be sure you check all bound

volumes and advance sheets from the one noted in the closing table to the one most recently published. Following this process you can retrieve all of the cases on a particular topic to within a few months. Look at the dates of the opinions in the most recent issue of the Advance Sheets to see how current the cases are.

Using WESTLAW

A topic and key number identified in any print resource can be used on Westlaw to retrieve all relevant cases. Before running the search you need to know the digest topic number. For example, you've found Sales, key number 255 as a relevant topic and key number from your preliminary case research. To use that topic and key number in Westlaw you have to know the numerical designation for Sales. In Westlaw, select "Key Numbers & Digest" from the *More* drop-down list. You'll see the alphabetical topics list with the numerical designations. Sales is number 343.

To perform your search, after selecting the appropriate database, type the topic number, the letter k, and the key number. Our Sales topic and key number becomes: **343k255**.

To narrow the search, add search terms. The query **343k255 /p privity** retrieves cases with headnotes classified under topic 343 (Sales) and key number 255 (Parties) that also contain the term privity.

Westlaw can also be used to update a topic and key number search started in print resources. Let's say we'd found Damages, key number 135 which is Injuries to the person, Expenses. We've already gone through the print digests and now want to retrieve any cases decided after the books went to press. We select Key Numbers & Digest from the drop-down menu and see that Damages is topic number 115. Our search is 115k135. Use this search term with a date restrictor to cover the period of time after the cases in the most recent advance sheet (check the dates of the opinions for a general range, use the earliest date).

Here's a tip: use a feature called Added Date. This retrieves cases added to the database after the specified date. This reduces the risk of missing relevant cases added to the database long after their decision date. For instance, ad(after 04/10/2004). The final search is: **115k135 and ad(after 04/10/2004)**. Of course you would choose a date no more than 3-4 months prior to the date you are performing the search. Ask a Reference Librarian for help in constructing the search.

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