

# The West Digest System

A Comprehensive Case-Law Research Tool

## What is the West Digest system?

The West Digest system is one of five ways to find case law. (The other four are: via citations in practice guides, treatises, encyclopedias, articles and other “secondary” sources; via the “notes of decisions” in annotated codes/statutes; via full-text searching of online case-law databases; via cite-checking tools (Shepard’s and KeyCite).)

The Digests function as a sort of “index” to case law. They organize the law by about 400 broad Topics, each of which is further organized into a detailed outline covering all aspects of that Topic. The smallest subdivision of a Topic, representing a discrete point of law, is called a Key Number. There are well over 100,000 Key Numbers in the West Digest system.

The Digest system is a comprehensive case-finding tool; a Digest for a given jurisdiction contains citations to *all* published case law from that jurisdiction. The West Digest system is available in print and on Westlaw.

When you need to conduct an exhaustive search for any cases relevant to the client’s issue, the Digests — along with the other four case-finding techniques — need to be part of your search strategy.

## Why use the West Digest system?

The West Digest system helps you do thorough case law research by:

- Encouraging reasoning by analogy.

The Digest system helps you find cases that apply similar principles of law despite arising from very different facts.

- Facilitating finding cases that state the general rules of law that are applicable to the client’s situation.
- Enabling you to find dictum to use as persuasive authority when you are convinced that there are no cases directly on point.

Where you have a case of first impression, dictum from other cases can help you advise the client on how the courts might deal with its situation.

## How to use the West Digest system

Successful Digest research involves identifying the Topic and Key Number that stand for the issue you are researching, and then using that Topic and Key Number to find cases dealing with that same issue or point of law.

## How to find relevant Topics and Key Numbers

Methods for finding Topics and Key Numbers that stand for the issue you are researching include:

- The “One Good Case” method.

Start with a case that addresses your issue. Find the headnote that best summarizes your issue. The relevant Topic and Key Number will be at the top of that headnote. On

Westlaw you can link directly from the Topic and Key Number to the "Custom Digest," which has citations to cases listed under that Topic and Key Number. In print, you can go to the volume that contains that Topic, and turn to the Key Number to find case citations.

You can find "one good case" in several ways: from a practice guide or treatise; from a suggestion by a supervisor or colleague; via an online search of case law; from the "notes of decisions" in annotated codes, when there is a statute that addresses your issue.

- The "Browsing a Known Topic" method

If you can identify which of the Digest system's 400 Topics might cover your issue, you can browse the outline of that Topic to see what helpful Key Numbers exist. (For example, if you have an issue of trademark law, you can browse the "Trademarks" Topic to look for Key Numbers that address that issue.) Once you find a helpful Key Number you can link directly into the "Custom Digest" to find citations to cases.

- On Westlaw, to find the Topic outlines, select the "Key Numbers" link at the top center of each screen, then select the "West Key Number Digest Outline" link.
- In print, each Digest Topic starts with the outline.

*West's Analysis of American Law* (a paperback book that reprints all of the Topic outlines) offers a fast way identify relevant Topics and to browse outlines of Topics.

- The "Descriptive Word Index" method (only available for Digests in print)

Look up terms related to your client's facts or legal issues in the alphabetical Descriptive Word Index volumes near the end of the print Digest set. The terms you find in the Descriptive Word Index will lead you to specific Topics and Key Numbers. You can use the Topics and Key numbers in print or on Westlaw to find citations to cases.

- The "Search for Key Numbers" method (available only on Westlaw)

Select the "Key Numbers" link at the top center of each screen. At the next screen, enter a few key words in "Search for Key Numbers" text box. The results will include potentially relevant Topics and Key Numbers. These will link into the "Custom Digest."

## **Where are the West Digests?**

[Print location, if your library still has them]

On Westlaw, the "Key Numbers" link on the top center of every screen leads to the Digest.

Once you select the "Key Numbers" link, you'll find —

- The "Search for Key Numbers" function.
- The "West Key Number Digest Outline."
- Westlaw's KeySearch tool, an attempt to make the information in the Digests more accessible and easier to find, especially for issues that cut across Topics.

## **For more advice about using the West Digests —**

[Insert library contact info here]