Case Law - Headnotes

In this part of the tutorial you will learn how to use the headnotes of one case to locate other cases, and how to search for a relevant headnote to find cases on your topic.

Headnotes identify points of law or rules from an opinion. Both Lexis and Westlaw assign subjects to headnotes. On Westlaw, they are called Topics and Key Numbers.

Topic and key number searching is based on a system of print case indexes called digests. A digest is basically a large outline of all the issues in American law, with summaries of relevant cases arranged under appropriate outline headings. The highest-level headings in the outline are called topics, while lower-level headings are called key numbers.

Digests contain over 400 topics, (ranging from Abandoned and Lost Property to Zoning and Planning). They are then broken down into as many key number subdivisions as each topic needs.

This is what the outline looks like. It classifies the law by topic using a standardized vocabulary. This is a key number.

Topics and key numbers are included in the headnotes of court opinions on Westlaw. Each point of law in an opinion is given its own headnote and assigned a topic and key number by a West attorney-editor.
Why limit ourselves to headnotes when we can search the full text of the opinion? Headnote searching enables you to use one good case to retrieve all other cases about a particular topic regardless of the precise language used in the opinion. When you do a keyword search, you might miss cases that do not describe the issue using your search terms. You can also retrieve “false positive” cases that merely mention the words you are searching for.

One of the issues addressed by PGA Tour, Inc. v. Martin is how you decide when a statute is ambiguous. For the simulation that follows, imagine that you found Martin using a full-text keyword search, and now you want to find all other U.S. Supreme Court cases that talk about the same issue.

Headnote 10 discusses statutory ambiguity. To search for other cases on this topic, click on the key number. There are 7 headnotes from U.S. Supreme Court cases that are classified under this key number. Note that the outline goes from the very general topic of “Statutes” through progressively more specific subtopics. If we wanted to cast our net a bit wider, we could click up into the hierarchy for more cases.

By default, Westlaw searches for cases in the same jurisdiction as the original case. You can click “change” to select different jurisdictions.

What if you don’t have a good case to start with? You can still use headnotes to find relevant case law. To do this, you need to locate a relevant headnote. This time we will use Lexis, but keep in mind that most functions that one platform offers are mirrored by the other). To start looking for cases that discuss federal laws addressing accommodations for disabled persons in public spaces, click “browse” and then “topics.” From here you could browse the available topics or search them.
The topic of Civil Rights Law looks promising – when you click on it, it expands to show subtopics. The Americans With Disabilities Act is on point for our issue, so we will select “Get Documents” from the Actions button.

There are over 10,000 cases in this topic, so we can continue to narrow by jurisdiction, additional search terms, or other criteria. Looking at the Martin case, we can see how Lexis’ headnotes look – They have a similar hierarchical structure, but display several related idea hierarchies per headnote.

If you select a headnote topic for further review from within a case, it will retrieve all jurisdictions rather than staying within the same jurisdiction as Westlaw does.